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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

CASE NO. 6:17-cv-01875-MGL-KFM

Tara Taylor,

Plaintiff,

vs.

Fluor Corporation, and Fluor
Government Group International, Inc.,

Defendants.

DEPOSITION OF FLUOR GOVERNMENT GROUP INTERNATIONAL
GIVEN BY ROBERT WELLS AND WILLARD M. SMITH, III

DATE TAKEN: April 27, 2018

TIME BEGAN: 9:10 a.m.

TIME ENDED: 4:46 p.m.

LOCATION: Stephenson & Murphy, LLC
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Greenville, South Carolina 29601

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.....On behalf of the Defendants

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14 ALSO ATTENDING: Tara Taylor, Roshella James Smalls
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1 A. The interviews were summarized into an employee
2 -- into a memo. Additionally, employee
3 statements about the event were included in the
4 hotline case.

5 (Exhibit Number 3 marked for
6 identification.)

EXAMINATION RESUMED

8 BY MR. MURPHY:

9 Q. We've handed you a memo Bates numbered 2556
10 through 2560. We've marked it as Deposition
11 Exhibit Number 3. Is this the memo to which you
12 were referring?

13 A. Yes.

14 Q. And who created this memo?

15 A. Steve Shenk and Pete Irvin.

16 Q. And who is Pete Tryin?

17 A. He was the HR manager for Bagram at the time.

18 Q. Was he over Mr. Shenk?

19 A No

20 Q. And this memo was created on what date?

21 A. It's dated 23 April, 2014.

22 Q. so that's four days after -- strike that.

That is three days after the report was received?

24 A No.

25 Q. Okay. Let's back up, and if you would, look at

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1 **Exhibit Number 1.**

2 A. The report was received on April 19th, so four
3 days. Is that what you said?

4 Q. Sir, I'm looking at Exhibit Number 1, defendants'
5 document 33, and I see under a heading, general
6 case information, and I see a case number,
7 correct?

8 A. Uh-huh.

9 Q. **What's the received/reported date?**

10 A. April 20th.

11 Q. **Okay.**

12 A. Okay. So four days after the --

13 Q. Okay. I'm sorry, but April 23rd is three days
14 after you received the complaint, correct?

15 A. Yes.

16 Q. **And was Mr. Shenk stationed in Afghanistan?**

17 A. Yes.

18 Q. **Do you know where in Afghanistan he was --**

19 A. Bagram.

20 Q. **You mentioned before that employees were
21 interviewed. Turning your attention to
22 Deposition Exhibit Number 3, on the first page,
23 are these the employees that were interviewed,
24 the employees listed under employees interviewed?**

25 A. Yes.

Page 13

1 Q. Who is witness number 1, anonymous?

2 A. I don't know.

3 Q. Is there any documentation as to who the
4 anonymous witness is?

5 A. Not that I'm aware of.

6 Q. If you look at page 3 of this report, the final
7 sentence of that paragraph -- it spills over on
8 the top of the page -- says the witness number 1
9 declined to provide a written statement as he
10 wished to remain anonymous. Do you see that?

11 A. T do.

12 Q. Is it your understanding that the anonymous
13 witness was male?

14 A. Based on his pronoun.

15 (Exhibit Number 4 marked for
16 identification.)

17 EXAMINATION RESUMED

18 BY MR. MURPHY:

19 Q. Can you identify the document that's been marked
20 as Deposition Exhibit Number 4?

21 A. It appears to be a statement from Mark Cofer.

22 Q. And this is one of the witness statements to
23 which you referred earlier?

24 A Yes

25 O. And in his statement, Mr. Cofer discusses the

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1 encounter about which Mr. Johnson is complaining,
2 correct?

3 A. Correct.

4 Q. Mr. Cofer also brings up another situation in
5 which Mr. Johnson had made remarks about another
6 African-American?

7 A. Correct.

8 (Exhibit Number 5 marked for
9 identification.)

EXAMINATION RESUMED

11 BY MR. MURPHY:

12 Q. What is Exhibit Number 5?

13 A. It appears to be a statement by Kimberly Johnson.

14 Q. And Ms. Johnson is not listed as one of the

15 witnesses interviewed in Exhibit Number 3, is
16 she?

17 A. She is not.

18 Q. And Ms. Johnson is recounting yet another
19 incident is which Mr. Roy made comments about an
20 African-American, isn't she?

21 A. Yes.

22 Q. So in this investigation, we have testimony from
23 different people as to three separate instances
24 in which Mr. Roy made stereotypical gestures and
25 comments about African-Americans?

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1 MR. SAMPLES: Object to the form.

2 THE DEPONENT: I don't know who anonymous witness
3 number 1 is.

4 EXAMINATION RESUMED

5 BY MR. MURPHY:

6 Q. I didn't ask you who anonymous witness number 1
7 is just a minute ago. Ms. Johnson is referring
8 to a different incident than the Dubai incident
9 or the incident Mr. Johnson was referring to,
10 wasn't she?

11 A. You asked if it was three individuals making
12 statements. I said I don't know because I don't
13 know who anonymous number 1 is.

14 Q. You have Mr. Johnson making statements, correct?

15 A. Correct.

16 Q. You have Mr. Cofer making statements and
17 providing evidence of a different incident,
18 correct?

19 A. Correct.

20 Q. And then you have Ms. Johnson providing evidence
21 of yet another incident, correct?

22 A. I have three statements -- three incidents. I
23 don't know if one of the -- Ms. Johnson or Mr.
24 Cofer could be anonymous number 1. I have no
25 idea to know that.

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1 Q. We don't need to know if they're anonymous number
2 1 or not.

3 My question simply is, with what we have with Ms.
4 Johnson's and Mr. Cofer's statements are three
5 different incidences of stereotypical gestures
6 and comments about African-Americans by Mr. Roy?

7 MR. SAMPLES: Object to the form.

8 THE DEPONENT: Yes.

9 EXAMINATION RESUMED

10 BY MR. MURPHY:

11 Q. Now, turning to the issue of the anonymous
12 witness, the date of the interview of the
13 anonymous witness matches the date of Ms.
14 Johnson's statement, correct?

15 A. Yes.

16 Q. And the location of the FOB Shank dining hall
17 facility mentioned in anonymous witness number
18 1's statement is the same facility mentioned in
19 Ms. Johnson's statement, correct?

20 A. Correct.

21 Q. And the information the anonymous witness is
22 giving is about statements regarding an
23 African-American male's dress, including his hat,
24 correct?

25 A. Correct.

Page 17

1 Q. And both statements include the quote, what's up,
2 bro?

3 A. Correct.

4 Q. Was Tom Roy the country manager at the time?

5 A. At the time of what?

6 Q. At the time of this complaint.

7 A. Can you ask that again?

8 Q. Sure. Was Tom Roy the country manager at the
9 time of the complaint that we've marked as
10 Exhibit Number 1? In other words, in late April,
11 April 20 to 23rd time frame --

12 A. Tom Roy was never the country manager.

13 Q. Let me go to page 4 of this report that we've
14 marked as Exhibit Number 3. The reason I asked
15 you that question, if you go to the second
16 sentence of the recommendation that begins on the
17 third line down, when considering Tom Roy's
18 position as the country manager with supervision
19 over the AO and site managers, it goes on --

20 A. Tom Roy was a -- he had country management
21 responsibility, but there was one country
22 manager, Steve Whitcomb.

23 Q. And this recommendation documents that there had
24 been a prior dignity and respect issue involving
25 Mr. Roy, doesn't it?

Page 18

1 A. Yes.

2 Q. And employee relations recommended a
3 strongly-worded written reprimand be given to Mr.
4 Roy, didn't they?

5 A. They did.

6 Q. And that didn't happen, did it?

7 MR. SAMPLES: I'm going to object here because I think
8 this is outside the scope of the notice to the
9 extent it refers to Tom Roy's complaints.

10 MR. MURPHY: That's incorrect. Topic 4A is the
11 complaint of this, and subtopic 7 is what action,
12 if any, was taken as a result of the complaint.

13 MR. SAMPLES: As long as you're not going into the
14 details of Tom Roy's prior complaints, which you
15 have just referenced.

16 MR. MURPHY: I didn't ask about the details of Tom
17 Roy's prior complaint.

18 EXAMINATION RESUMED

19 BY MR. MURPHY:

20 Q. My question, was Mr. Roy given a strongly-worded
21 written reprimand?

22 A. He was given a strongly-worded verbal coaching by
23 HR.

24 Q. By whom?

25 A. By the country manager, Steve Whitcomb. And

Page 19

1 there was additional issues. His promotion was
2 withheld.

3 **Q. Are you done answering?**

4 A. Yes.

5 **Q. I didn't mean to cut you off. Sometimes it**
6 **happens, and if I do that, you can tell me you**
7 **have more to say in the answer, and then we'll**
8 **stop and let you finish any answer.**

9 A. I apologize.

10 **Q. No, no, no. That happens all the time. We just**
11 **don't want to cut you off. It reads like I cut**
12 **you off when it comes out on the transcript, and**
13 **it's not my intent.**

14 A. Okay.

15 **Q. Is there any documentation of this**
16 **strongly-worded oral statement from the country**
17 **manager, Mr. Whitcomb?**

18 A. There is documentation that it took place.

19 **Q. What documentation is that?**

20 A. Mr. Whitcomb provided an e-mail stating that it
21 had taken place.

22 **Q. An e-mail to whom?**

23 A. I believe it was Mike Doyle or Steve Shenk.

24 **Q. Doyle?**

25 A. I believe it was Mike Doyle, but it could have

Page 20

1 been Steve Shenk.

2 **Q.** **Who is Mike Doyle?**

3 **A.** At the time, he was the HR country manager.

4 **Q.** **Who made the decision not to issue the**
5 **strongly-worded written reprimand recommended by**
6 **employee relations?**

7 **A.** Steve Whitcomb.

8 **Q.** **When did Mr. Whitcomb make that decision?**

9 **A.** I'm unsure.

10 **Q.** **This e-mail from Mr. Whitcomb, what does it say?**

11 **A.** I believe it's a -- it states that the verbal
12 coaching took place and gave a date.

13 **Q.** **Is there any documentation in EthicsPoint of this**
14 **e-mail?**

15 **A.** I believe so.

16 **Q.** **Is there any documentation that Mr. Roy was**
17 **denied a promotion as a result of the Kelvin**
18 **Johnson complaint?**

19 **A.** I'm sure there is. I'm not aware of it at the
20 moment.

21 **Q.** **What is Fluor's basis for saying that Tom Roy was**
22 **denied a promotion?**

23 **A.** It was withheld for several months.

24 **Q.** **So Mr. Roy received the promotion?**

25 **A.** Yes.

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1 Q. Promotion to what?

2 A. I'm unsure of the job title that he was promoted
3 to.

4 Q. Looking at Exhibit Number 3, if you would turn to
5 page 4. Do you see the list of documents that
6 are listed there as attachments?

7 A. Yes.

8 Q. Where are those documents maintained?

9 A. They're in EthicsPoint.

10 Q. Are they still in EthicsPoint?

11 A. Yes.

12 Q. Why was Mr. Whitcomb the individual to make the
13 decision as to what action would be taken against
14 Tom Roy with respect to Mr. Johnson's complaint?

15 A. Mr. Whitcomb was Mr. Roy's manager, as well as
16 being the country manager.

17 Q. And at the time Mr. Whitcomb made the decision as
18 to what action would be appropriate to take
19 against Tom Roy with regard to Kelvin Johnson's
20 complaint, Mr. Whitcomb himself was the subject
21 of a complaint by Mr. Johnson?

22 A. Correct. However, he was not aware of it.

23 Q. How do you know he wasn't aware of it?

24 A. Because I informed him of it when I traveled to
25 Afghanistan to investigate it.

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1 to refer to, just let me know. If I have it,
2 we'll pull it up and print it, or if I have it
3 ready, we'll be happy to let you refer to it.
4 Did you interview Tara Taylor on May 29 with
5 respect to the complaint by Mr. Johnson regarding
6 Steve Whitcomb?

7 A. I did.

8 Q. If you go to Exhibit Number 2, go to page 2721,
9 if you look at the bottom, is this an entry you
10 did, I interviewed Tara Taylor?

11 A. Yes.

12 Q. Okay. And is the date on that incorrect?

13 A. Yes.

14 Q. Okay. You interviewed her the same day as you
15 interviewed Nikki, right?

16 A. Correct. It should be 5/29/2014, not 4/29/2014.

17 Q. And this is the second time that Ms. Taylor was
18 interviewed with regard to Mr. Johnson's
19 complaints, correct?

20 A. It was the first time I interviewed her.

21 Q. It was the second time she had been interviewed?

22 A. Yes.

23 Q. Who interviewed her the first time?

24 A. It was probably Steve Shenk. Correction. I
25 believe that she wrote just a written statement,

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1 as opposed to being interviewed.

2 Q. **Going back to Exhibit Number 3, isn't Ms. Taylor**
3 **listed as one of the people interviewed?**

4 A. She is.

5 Q. **Do you have any reason to believe she was not**
6 **interviewed with respect to the first complaint?**

7 A. Several of the people provided written statements
8 of their events.

9 Q. **Is there any statement from Tara Taylor listed as**
10 **one of the attachments?**

11 A. I don't recall.

12 Q. **Well, look at page 4 of Exhibit Number 3.**

13 A. No. Then she might have been interviewed,
14 actually.

15 Q. **Let me go through some of the statements Tara**
16 **made that are documented here. It would be on**
17 **page 2721 of Exhibit Number 2. Beginning the**
18 **fourth line down, there is a statement, Tara**
19 **stated there is no dignity and respect on the**
20 **second floor. What does that mean to you, second**
21 **floor?**

22 A. There is a management building. It's a
23 hard-sided building, which was unusual for
24 Bagram, and the country management usually sat on
25 the second floor of that, and it's just referred

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1 to as second floor.

2 **Q.** You documented that she stated they boast about
3 not being worried about complaints against them,
4 and at worst, HR might tell them to play nice.
5 She said that Mark Cofer told her that the rules
6 and policies don't apply to us on the second
7 floor, end quote. Do you see that statement?

8 **A.** I do.

9 **Q.** Did you ever investigate it?

10 **A.** I asked Mike Doyle about it, and he had looked
11 into it previously.

12 **Q.** Was Mr. Doyle on the second floor?

13 **A.** No.

14 **Q.** Where was it documented that you asked Mr. Doyle
15 about it and he had looked into it previously?

16 **A.** I believe it's in EthicsPoint.

17 **Q.** Okay. Well, let's look at Exhibit Number 6.

18 These are your notes regarding your interviews,
19 correct?

20 **A.** Correct.

21 **Q.** And on page 2398, you documented your interview
22 with Mr. Doyle, correct?

23 **A.** Correct.

24 **Q.** Did you, anywhere here, document that you asked
25 Mr. Doyle about Ms. Taylor's allegations

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1 **regarding people on the second floor believing**
2 **that the rules don't apply to them?**

3 A. I had a limited time in Afghanistan. My priority
4 was to investigate the Kelvin Johnson complaint.
5 When I returned to Greenville, I was able to look
6 into other complaints that were brought up.

7 Q. **Well, let me rephrase the question.**

8 **A few moments ago you testified that when you**
9 **asked Mr. Doyle about Ms. Taylor's complaints,**
10 **that he told you he had looked into it**
11 **previously.**

12 A. That was an e-mail exchange that happened later.

13 Q. **That's not -- -- my question is, that's not**
14 **documented in your notes on page 2398, is it?**

15 A. Because that happened after 5/30/2014, which my
16 interview notes talk about.

17 Q. **Is that exchange with Mr. Doyle identified**
18 **anywhere in Exhibit Number 2?**

19 A. Yes.

20 Q. **Where is it?**

21 A. Loomis and Cofer.pdf.

22 Q. **And what page are you referring to? Give me the**
23 **Bates number, please.**

24 A. 002717.

25 Q. **And is that document still in EthicsPoint?**

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1 A. It is.

2 Q. What is Loomis and Cofer.pdf?

3 A. It's an e-mail.

4 Q. And who is Mark Cofer? What position did he have
5 at the time of all of this in May of 2014?

6 A. He had a country management position, but I'm not
7 sure exactly what his duties were and what his
8 title was.

9 Q. Did you ever ask Mr. Cofer about Ms. Taylor's
10 statement that Mr. Cofer said, quote, the rules
11 and policies don't apply to those of us on the
12 second floor, end quote?

13 A. No.

14 Q. Going back to that same page, 2721, Ms. Taylor
15 starts to discuss Rachelle Weber. Do you see
16 that?

17 A. I do.

18 Q. And the other thing I wanted to let you know is
19 if I start asking you about something and you
20 want to pause to read something, go ahead and
21 tell me that. Okay?

22 A. Okay.

23 Q. I kind of jump into questions, but that doesn't
24 mean you need to jump in on answering. Okay?

25 A. Gotcha.

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1 Q. Okay. Ms. Taylor makes a statement that Ms.
2 Weber and Mr. Riley live together. Do you see
3 that?

4 A. Yes.

5 Q. Is that true?

6 A. Not that I'm aware of.

7 Q. Was anything done to investigate that?

8 A. There is nothing illegal about people living --
9 or against policy about people living together
10 prior to their employment.

11 Q. That wasn't my question. I asked, did anybody
12 investigate to see if that was true?

13 A. No.

14 Q. She states, Rachelle -- according to you, Ms.
15 Taylor stated, Rachelle has been moved from site
16 to site because people don't want to work with
17 her and her dignity and respect allegations.

18 Do you see that?

19 A. I do.

20 Q. Was that investigated?

21 A. I looked -- I investigated all the dignity and
22 respect allegations that Tara provided about
23 Rachelle.

24 Q. What was your understanding as to why Ms. Taylor
25 was talking to you about Rachelle Weber?

Page 32

1 A. I wasn't sure.

2 Q. Did you ask her?

3 A. I don't believe so. Often, when you're doing an
4 interview, the interviewee goes off on a tangent.
5 Sometimes it relates to what you're
6 investigating, sometimes it doesn't.

7 Q. Did you ask Ms. Taylor how her statements about
8 Rachelle Weber related to anything you had asked
9 her?

10 A. No.

11 Q. The next document that Ms. Taylor told you that
12 there was an incident which the CM -- that's a
13 reference to Mr. Whitcomb, correct?

14 A. Correct.

15 Q. -- told Mike Doyle to, quote, shut the fuck up,
16 end quote.

17 Do you see that?

18 A. I do.

19 Q. Was that investigated?

20 A. I believe I asked Mike Doyle about his
21 interactions with the country manager. I don't
22 think I specifically said did he say, shut the
23 fuck up, but we had spoke about the country
24 manager and his behavior.

25 Q. In the next paragraph you document that Ms.

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1 Taylor spoke to you about John Cahill, an
2 individual she identified as African-American who
3 received the worst treatment from Mr. Riley and
4 was called a bitch by Mr. Riley. Do you see
5 that?

6 A. I do.

7 Q. Was that investigated?

8 A. John Cahill was no longer on the project.

9 Q. That wasn't my question. My question was, was
10 this incident relayed by Ms. Taylor investigated?

11 A. Not that I remember.

12 Q. Do you see the paragraph beginning, Tara stated
13 that Ron is not a good leader?

14 A. Yes.

15 Q. And the second sentence says, he shows favoritism
16 to Rachelle and Paul and made moves to
17 accommodate them, which adversely affects others,
18 but mostly the African-Americans in the group.
19 Is that something Ms. Taylor told you in your
20 meeting?

21 A. Yes.

22 Q. Ms. Taylor goes on to -- according to your
23 account, she goes on to discuss some moves in
24 that paragraph. It begins, quote, she stated
25 that she was moved to closeout, which opened a

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1 BOE position for Paul. Dexter Hooks, paren,
2 African-American, closed paren, was moved to
3 another AO to make room for Rachelle. Todd
4 Bagnus' e-mail was ignored, which signaled to him
5 that he should find another job, which made room
6 for Paul. Do you see those statements?

7 A. I do.

8 Q. Was any of that investigated?

9 A. Yes.

10 Q. When was it investigated?

11 A. At the -- during my time in Afghanistan and
12 after.

13 Q. Were there any other notes of your interviews
14 other than the ones that we've marked as Exhibit
15 Number 6?

16 A. No.

17 Q. The bottom of that page, there is a statement
18 referring to Ms. Taylor. It says, she believes
19 the second floor wants to make Kelvin quit. She
20 stated that Mark Cofer said to Paul Gentry that
21 Kelvin, quote, was wrong, end quote, to have
22 reported Tom Roy. Do you see that statement?

23 A. I do.

24 Q. Was that investigated?

25 A. No. Let me correct that. Mark Cofer's

Page 35

1 statements saying that he was wrong was not
2 investigated.

3 **Q. Was any part of what I just read investigated?**

4 A. The alleged -- Kelvin's treatment following his
5 complaints was investigated.

6 **Q. Mark Cofer, you said, was in a country management**
7 **position, correct?**

8 A. Yes.

9 **Q. So here you have an employee telling you that her**
10 **understanding is that a country manager told Paul**
11 **Gentry that another employee was wrong to have**
12 **reported his manager, correct?**

13 A. An employee didn't report his manager.

14 **Q. Okay. Let me be specific. Well, let me ask,**
15 **what position was Paul Gentry in at the time?**

16 A. I believe he had a Bagram-specific position, but
17 I'm not certain of that. It was a higher level
18 management position. And neither Paul Gentry nor
19 Mark Cofer had any supervision or guidance with
20 how Tom Roy, Kelvin Johnson were treated or the
21 discipline provided to Tom Roy. This was their
22 -- this is secondhand information of someone's
23 personal opinion.

24 **Q. What question were you answering?**

25 A. I was clarifying my previous answer.

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1 Q. But there is nothing in here stated that's an
2 opinion, is there? Ms. Taylor told you that Mark
3 Cofer, a person in a country management position,
4 said to Paul Gentry, a person in a high
5 management level position, that Kelvin Johnson
6 was wrong to have reported Tom Roy. She made
7 that statement to you?

8 MR. SAMPLES: Object to the form.

9 THE DEPONENT: That's the definition of an opinion;
10 somebody felt something.

11 EXAMINATION RESUMED

12 BY MR. MURPHY:

13 Q. The statement was that Mr. Cofer gave an opinion
14 to Paul Gentry that Kelvin was wrong to have
15 reported Tom Roy?

16 A. That was his opinion, secondhand.

17 Q. Sir, I'm not asking that question. We can do
18 this all day long if you want.

19 A. I've got all day.

20 Q. Why did you not investigate whether Mark Cofer
21 said to Paul Gentry that Kelvin was wrong to have
22 reported Tom Roy?

23 A. None of those individuals were in the -- had
24 oversight or supervision of those involved in the
25 incident. They weren't involved in what

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1 discipline was provided, and it appears that it
2 was Mark Cofer's opinion of what is right and
3 wrong.

4 **Q. And both of these individuals, Mark Cofer and**
5 **Paul Gentry, are in higher-ranking positions than**
6 **Tara Taylor, correct?**

7 A. I believe so.

8 **Q. Was Tom Roy in a higher position than Kelvin**
9 **Johnson?**

10 A. I'm not certain on grade level.

11 **Q. To whom did Kelvin Johnson report?**

12 A. Ron Riley.

13 **Q. So the fact that an employee reported to you that**
14 **a person in a country management level position**
15 **is expressing the opinion that it's wrong for**
16 **Kelvin Johnson to have reported Tom Roy did not**
17 **concern you at all?**

18 MR. SAMPLES: Object to the form.

19 THE DEPONENT: It didn't seem relevant to this
20 investigation.

21 EXAMINATION RESUMED

22 BY MR. MURPHY:

23 **Q. Did it concern you at all?**

24 A. I didn't feel it was worth investigating. Let me
25 rephrase that. I didn't feel it was relevant

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1 enough to investigate in relation to this
2 complaint.

3 Q. Did you investigate it at all?

4 A. No.

5 MR. MURPHY: Let's take a break.

6 (Recess taken.)

EXAMINATION RESUMED

8 BY MR. MURPHY:

9 Q. With regard to Mr. Johnson's complaints against
10 Mr. Whitcomb, did anybody else for Fluor
11 participate as an investigator other than
12 yourself?

13 A. No.

14 Q. What is Sametime?

15 A. Sametime is a program on Fluor computers that
16 allows instant chat between two individuals.

17 Q. To whom did Mr. Whitcomb report in June of 2014?

18 A. Who was his supervisor?

19 Q. That's fine.

20 A. Is that your question?

21 Q. Yes, sir. Who was his direct boss, is, I guess,
22 another way people say it?

23 A. It would have been either Ian Dolan or Rick
24 Rueter, R-U-E-T-E-R.

25 Q. And the first name was Ian Dolan?

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1 A. Correct.

2 Q. D-O-L-A-N?

3 A. D-O-L-A-N.

4 Q. Could you spell Mr. Rueter's last name again,
5 please?

6 A. R-U-E-T-E-R. I believe it's the same as the news
7 organization.

8 Q. That's R-E-U.

9 A. Maybe it isn't, then. It's one of those two.
10 Roshella might be able to tell us how --

11 Q. You just do the best you can. No one holds you
12 to spellings.

13 A. That's good.

14 Q. Did you or anybody else have any discussions with
15 or communications with Mr. Dolan regarding Mr.
16 Johnson's complaints about Mr. Whitcomb?

17 A. Not that I'm aware of.

18 Q. Did you or anybody else have any discussions with
19 Mr. Rueter about Mr. Johnson's complaints
20 regarding Mr. Whitcomb?

21 A. Not that I'm aware of.

22 Q. Who made the decision as to what action, if any,
23 would be taken with regard to Mr. Whitcomb?

24 A. In regards to?

25 Q. In regards to Mr. Johnson's dignity and respect

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1 **complaints.**

2 A. I made the recommendation that I go to
3 Afghanistan to investigate.

4 Q. **Let me repeat my question. Who made the decision**
5 **as to what action, if any, to take against Mr.**
6 **Whitcomb as a result of the dignity and respect**
7 **complaint filed by Kelvin Johnson?**

8 A. There was no action taken.

9 Q. **Who made the decision that no action would be**
10 **taken?**

11 A. My investigation didn't make the recommendation
12 that action be taken against Mr. Whitcomb.

13 Q. **Who decided not to make a recommendation to take**
14 **action?**

15 A. I made the recommendation.

16 Q. **To whom did you make the recommendation?**

17 A. In my report.

18 Q. **Who did you give the report to?**

19 A. I believe it was provided to Legal, as well as
20 Steve Lamb, who is the head of FGG HR, and
21 probably April Porter.

22 Q. **Well, who made the decision that no action would**
23 **be taken against Mr. Whitcomb?**

24 A. I made the recommendation that no action be taken
25 against Mr. Whitcomb. I believe that they

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1 followed that recommendation.

2 **Q.** **Is it documented anywhere as to who made the**
3 **decision or what the decision was?**

4 **A.** I believe that the recommendations are included
5 in the report. I don't believe it's documented
6 -- I'm unaware of any documentation that says
7 that -- that either chooses to follow or not
8 follow my recommendation.

9 **Q.** **Did you have the authority to discipline Mr.**
10 **Whitcomb?**

11 **A.** No.

12 **Q.** **Who has the authority to discipline Mr. Whitcomb?**

13 **A.** His supervisor.

14 **Q.** **Mr. Doyle or Mr. Rueter?**

15 **A.** Uh-huh.

16 **Q.** **And to the best of your knowledge, neither one of**
17 **them was even informed of the allegations, were**
18 **they?**

19 **A.** The conversations between Mr. Rueter and Mr.
20 Dolan would have taken place between Mr. Lamb and
21 those two.

22 **Q.** **Were there any such conversations?**

23 **A.** I believe there were.

24 **Q.** **What leads you to believe that?**

25 **A.** That's typical practice.

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1 Q. Did Mr. Rueter or Mr. Dolan have discussions with
2 Mr. Lamb about what action, if any, to take
3 against Steve Whitcomb as a result of the dignity
4 and respect complaint filed by Kelvin Johnson?

5 MR. SAMPLES: Object to the form.

6 THE DEPONENT: I believe those conversations happened.

EXAMINATION RESUMED

8 BY MR. MURPHY:

9 Q. Well, in our Notice of Deposition, in topic 4B6,
10 we ask about what discussions occurred within
11 Fluor's management, so I'm asking you what
12 discussions occurred?

13 A. Because there was -- we didn't substantiate Mr.
14 Whitcomb was -- violated the dignity and respect
15 of Kelvin Johnson --

16 O. Let me go back --

17 MR. SAMPLES: Let him finish answering the question.

18 THE DEPONENT: Because there was no recommendation
19 because it was unsubstantiated, there wouldn't
20 have been a conversation for what kind of action
21 to take.

EXAMINATION RESUMED

23 BY MR. MURPHY:

24 Q. What communications occurred within management
25 regarding your recommendation that no action be

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1 **taken against Mr. Whitcomb?**

2 A. I am unaware of any communications that occurred.

3 However, I believe that discussions occurred
4 between Mr. Lamb and either Ian and/or Mr.
5 Rueter.

6 Q. **What was said during those communications?**

7 A. I would be speculating, but I would imagine that
8 it was found to be unsubstantiated, was the crux
9 of the conversation.

10 Q. **Did anybody tell you that was the crux of the
11 conversation?**

12 A. No.

13 Q. **Did anybody give you any instruction as to what
14 action, if any, to be taken as a result of your
15 investigation?**

16 A. No.

17 Q. **Did anybody coach Mr. Whitcomb with regard to the
18 allegations raised by Mr. Johnson?**

19 A. I informed Mr. Whitcomb that he needs to be
20 sensitive to yelling or any other behavior that
21 would be inappropriate.

22 Q. **Do you consider that to be coaching?**

23 A. Yes.

24 Q. **Did anybody else coach Mr. Whitcomb?**

25 A. Not that I'm aware of.

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1 Q. Is Mr. Lamb still employed by Fluor?

2 A. Yes.

3 Q. Is there any documentation that either Mr. Dolan
4 or Mr. Rueter were ever informed of the
5 allegations against Mr. Whitcomb?

6 A. Not that I'm aware of.

7 Q. So the allegations against Mr. Whitcomb were
8 handled differently than the allegations against
9 Mr. Roy, correct?

10 MR. SAMPLES: Object to the form.

11 THE DEPONENT: They were both investigated.

12 EXAMINATION RESUMED

13 BY MR. MURPHY:

14 Q. But in Mr. Roy's situation, you testified Mr.
15 Whitcomb made the decision because he was Mr.
16 Roy's superior?

17 A. Correct.

18 Q. And in Mr. Whitcomb's situation, you didn't even
19 inform his superiors of the allegations?

20 A. I don't know if they were informed or not.

21 Q. Going to Exhibit Number 6, if you look at the
22 last two pages -- it begins at the very bottom of
23 the page 2410 -- there is an entry, I met with
24 Steve Whitcomb on 6/1/2014 at 1830 to provide an
25 out brief. Do you see that?

Page 45

1 A. Can you repeat the page?

2 Q. Sure. It's the last few pages. The second to
3 last page has the header referring to, I met with
4 Steve Whitcomb on 6/1. Do you see that?

5 A. I do.

6 Q. Do you see the notes there on page 2411?

7 A. I do.

8 Q. Are the statements that you documented on page
9 2411 the coaching that you provided to Mr.
10 Whitcomb?

11 A. I'm sorry, can you repeat the question?

12 Q. Earlier, you stated that you coached Mr.
13 Whitcomb?

14 A. Uh-huh.

15 Q. Does page 2411 accurately recite the coaching
16 that you gave to Mr. Whitcomb?

17 A. It does.

18 Q. Is there any other documentation of the coaching
19 that you gave to Mr. Whitcomb?

20 A. No.

21 Q. And part of the coaching was telling him to be
22 aware that Kelvin may be baiting him. Do you see
23 that?

24 A. I do.

25 Q. Is that the role of the investigator to advise

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1 **management as to -- to be aware that someone may**
2 **be baiting them?**

3 A. In context, I believe Mr. Whitcomb showed me an
4 e-mail earlier that day, or that he had received
5 from Kelvin earlier that day, where it appeared
6 that Kelvin was trying to get him to react. I
7 was advising him not to retaliate. That's
8 something I do with everyone, and I wanted -- I
9 felt that that was good information to provide
10 him.

11 Q. **On Exhibit Number 2, pages 2730 to 2731, on page**
12 **2731, Mr. Johnson talks to you about you coaching**
13 **Mr. Riley. Do you see that?**

14 A. I do.

15 Q. **Did you ever ask Mr. Johnson how he learned about**
16 **that?**

17 A. I think it was obvious from his comments how he
18 learned about that.

19 Q. **What do you mean by that?**

20 A. Apparently, Kelvin had told Mr. Whitcomb that he
21 would not fill in for Mr. Riley during Mr.
22 Riley's upcoming R and R. Mr. Riley said that he
23 would be working during his R and R and not ask
24 Kelvin to fill in for him, as was the usual
25 practice. I asked Ron, coached Ron -- however

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1 you want to say it -- I would ask Kelvin directly
2 if he would fill in for you during your R and R,
3 as is the normal practice.

4 Q. You didn't tell Kelvin Johnson that you coached
5 Mr. Riley, did you?

6 A. I said I disagree with the term coach. I asked
7 him to ask you your intentions.

8 Q. That wasn't my question. You never told Mr.
9 Johnson that you coached Mr. Riley, did you?

10 A. No.

11 Q. Did you ever ask Mr. Johnson where he got his
12 information from?

13 A. No.

14 Q. Did you tell all the individuals in the
15 investigation that the investigation was to be
16 kept confidential?

17 MR. SAMPLES: Object to the form.

18 THE DEPONENT: I state I keep the investigation as
19 confidential as possible. I never state absolute
20 confidentiality. It's impossible to do during an
21 investigation.

EXAMINATION RESUMED

23 BY MR. MURPHY:

24 Q. Did you ever look into how Mr. Johnson was
25 informed about your discussion with Mr. Riley?

Page 48

1 A. I think it's obvious from the Sametime that Mr.
2 Riley asked Kelvin if he would fill in for him
3 for the next R and R.

4 Q. **Nothing in the Sametime says that, does it?**

5 A. I believe the context of the entire investigation
6 does.

7 Q. **Mr. Johnson doesn't say that, does he?**

8 A. It was clear with the context of the
9 investigation at that time. Even though it
10 doesn't say it here in the Sametime conversation,
11 it was clear at the time.

12 Q. **In your discussion with Mr. Whitcomb on June 1,
13 what e-mail were you referring to?**

14 A. I believe that Mr. Whitcomb showed me an e-mail
15 on his computer that Kelvin had sent to him
16 earlier that day.

17 Q. **Was that e-mail made a part of the investigation?**

18 A. No.

19 Q. **Do you still have access to that e-mail today?**

20 A. It should be part of the litigation.

21 Q. **What did the e-mail say?**

22 A. I don't remember the specifics of it. It was
23 more of a -- I remember it being snarky.

24 Q. **Let's go back to your recommendations on page
25 2411. Your final comment is, the CM -- and**

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1 **that's, again, a reference to Mr. Whitcomb,**
2 **correct?**

3 A. Correct.

4 Q. Mr. Whitcomb acknowledged my recommendations, but
5 we did not go into specifics or ask questions
6 about them. Do you see that statement?

7 A. Correct.

8 Q. Mr. Whitcomb never actually told you he would
9 take any action or change his behavior in any way
10 as a result of your recommendations, did he?

11 A. I don't remember him saying that.

12 Q. With respect to your first recommendations, all
13 his direct reports are Caucasian and you
14 recommend he add diversity to that group, did he
15 do anything to add diversity to the group?

16 A. I'm unsure of how his direct reports changed over
17 time.

18 Q. Did you do any follow-up to determine whether or
19 not Mr. Whitcomb had ceased using profanity and
20 ceased yelling?

21 A. I don't recall subsequent incidents of that.

22 Q. That wasn't my question. My question was, did
23 you or anybody else do any follow-up to determine
24 whether Mr. Whitcomb stopped yelling at people or
25 stopped using profanity?

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1 A. The hotline is monitored. I don't recall seeing
2 any additional allegations of that.

3 Q. That wasn't my question. My question was, did
4 you or anybody from Fluor ever follow up to
5 determine whether or not Mr. Whitcomb had stopped
6 yelling or stopped using profanity?

7 MR. SAMPLES: Objection. Asked and answered.

8 Go ahead.

9 THE DEPONENT: I would say that monitoring is following
10 up.

EXAMINATION RESUMED

12 BY MR. MURPHY:

13 Q. Did anybody do anything to determine whether Mr.
14 Whitcomb stopped yelling or using profanity,
15 other than monitoring the hotline?

16 A. I'm unaware of additional actions that were taken
17 besides me coaching him on it.

18 Q. And the coaching is what's there on page 2411,
19 correct?

20 A. Correct.

21 Q. Did you ever contact any of the witnesses and ask
22 how things are going?

23 A. I don't recall contacting any witnesses and
24 specifically asking how things are going. I had
25 normal calls with Mike Doyle, and he didn't bring

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1 up anything. It was a weekly call.

2 Q. Well, you say you monitored the hotline. There
3 were, in fact, subsequent hotline complaints
4 involving issues with Mr. Whitcomb, weren't
5 there?

6 A. There were two that were investigated. The first

7 --

8 MR. SAMPLES: Sorry to interrupt.

9 MR. MURPHY: I'm not going to go into specifics of
10 them.

11 MR. SAMPLES: Hold off, Rob.

12 EXAMINATION RESUMED

BY MR. MURPHY:

13 Q. Go ahead and tell me what they are.

14 A. The first had his name in it, but included no
15 allegations against him.

16 Q. And who filed that one?

17 A. Jeffrey Nix. Jeremy Nix. Jeffrey Nix. Mr. Nix,
18 N-I-X.

19 Q. And what was the second one?

20 A. The second one was filed by Tuskahoma Thompson,
21 and at that point Mr. Thompson had been
22 terminated, ineligible for rehire due to some
23 serious incidents, and he said that, at one
24 point. Mr. Whitcomb --

25 MR. SAMPLES: I'm going to stop you again because the

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1 complaints allowed to be inquired into by the
2 Court are just those involving discrimination and
3 retaliation.

4 Brian, why don't you ask if any of them involved
5 discrimination or retaliation. Otherwise,
6 they're not relevant.

7 MR. MURPHY: Well, I don't know. I'm just asking who
8 filed it.

9 MR. SAMPLES: But if they didn't involve discrimination
10 or retaliation, they're not relevant.

11 MR. MURPHY: Well, I don't know.

12 MR. SAMPLES: Ask him the question.

13 MR. MURPHY: You're making an argument.

14 MR. SAMPLES: He told you he filed it. Why don't you
15 ask another question whether it involved
16 discrimination or retaliation.

EXAMINATION RESUMED

18 BY MR. MURPHY:

19 Q. What was Mr. Nix's complaint about?

20 A. He believed that he had been promised a promotion
21 --

22 MR. SAMPLES: I'm going to object again.

23 Do you want to go off the record and talk about
24 it?

25 MR. MURPHY: No. I think he's allowed to say what it's

Page 53

1 about.

2 MR. SAMPLES: He's only -- according to the Court's
3 order, he's only -- your inquiry is limited to
4 complaints that involve discrimination involving
5 Steve Whitcomb --

6 MR. MURPHY: The witness said that.

7 MR. SAMPLES: Ask him whether it involved
8 discrimination or retaliation. Otherwise, it's
9 not relevant.

10 MR. MURPHY: I don't know that I have to accept his
11 characterization about whether it stated a claim
12 of discrimination or retaliation. I'm just
13 asking him what was his complaint.

14 MR. SAMPLES: But if it didn't involve discrimination
15 or retaliation --

16 MR. MURPHY: Then we don't go further. I'm not bound by
17 his characterization of retaliation or
18 discrimination.

19 MR. SAMPLES: We're bound by Judge McDonald's order.

20 MR. MURPHY: But I don't know what the answer is yet.
21 You have to let him answer the question.

22 MR. SAMPLES: I will just instruct the witness to
23 answer whether it involved discrimination and
24 retaliation and to avoid going into the details.

25 MR. MURPHY: But I don't have to accept that

Page 54

1 characterization.

2 EXAMINATION RESUMED

3 BY MR. MURPHY:

4 **Q. What did he complain about? Just tell us what he
5 complained about.**

6 A. It did not deal with discrimination or
7 retaliation.

8 **Q. What was Jeremy Nix's position?**

9 MR. SAMPLES: Again, how is this relevant?

10 MR. MURPHY: I get to find that out. I get to ask
11 questions in a deposition.

12 MR. SAMPLES: But we're limited to --

13 MR. MURPHY: I'm asking, what was Jeremy Nix's
14 position.

15 MR. SAMPLES: It's only relevant if the complaint by
16 Jeremy Nix is related.

17 MR. MURPHY: This crosses the line. I can ask
18 questions in a deposition.

19 MR. SAMPLES: You can -- with a 30(b)(6), you're
20 limited to the topics.

21 MR. MURPHY: After you've given this instruction, he's
22 given an answer which mirrored your instruction.

23 Nobody said I could not ask what Jeremy Nix's
24 position was.

25 MR. SAMPLES: Judge McDonald said you could only ask

about prior complaints involving Steve Whitcomb
and discrimination and retaliation.

3 MR. MURPHY: We don't have to accept your
4 characterization. I'm at least getting an answer
5 to this question, or you can instruct him not to
6 answer. One or the other.

EXAMINATION RESUMED

8 BY MR. MURPHY:

9 Q. What was Jeremy Nix's position?

10 MR. SAMPLES: Object to the form of the question.

11 You can answer the question.

12 THE DEPONENT: I can?

13 MR. SAMPLES: Yes, yes.

14 THE DEPONENT: Jeremy Nix's position, I believe, was
15 audit response, and I don't know if it was
16 supervisor or manager or specialist.

EXAMINATION RESUMED

18 BY MR. MURPHY:

19 Q. Was he in Bagram?

20 A. I believe so.

21 Q. Did he report to Mr. Whitcomb?

22 A. No.

23 MR. SAMPLES: Object.

24 EXAMINATION RESUMED

25 BY MR. MURPHY:

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1 **Q. What does the term organizational modification
2 mean?**

3 A. It's the term used -- it's a term used when --
4 it's a term that can be used when a position is
5 eliminated in Afghanistan.

6 **Q. What's a reduction in force?**

7 A. It's a term that can be used in the position
8 elimination in Afghanistan.

9 **Q. In the 2014 time frame, what was the procedure
10 for determining whether there would be an
11 organizational modification?**

12 A. Procedure was the manager completes a form called
13 an SRF, which is sent to HR for review, and then
14 the person is given a notice that their position
15 has been eliminated.

16 **Q. Okay. I want to back it up a little bit.
17 My question was intending to get, who decides if
18 there is going to be an organizational
19 modification?**

20 A. Typically, it's a manager.

21 **Q. And how is that documented?**

22 A. With an SRF form.

23 **Q. An SRF form is a document that indicates that a
24 person is going to be RIF'd, correct?**

25 A. Correct.

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1 Q. **But who decides whether a reduction in force is**
2 **necessary in the first place?**

3 A. So the form talks about reduction in force and
4 organizational modifications. Are you meaning
5 just the reduction in force in that or the
6 broader position elimination?

7 Q. **I'm talking about the broader. Who decides**
8 **whether we're going to reduce head count in**
9 **Afghanistan? Start with that.**

10 A. Well, it can be if a base closes or a PWS item is
11 cancelled.

12 Q. **What is PWIS?**

13 A. PWS.

14 Q. **What is that?**

15 A. I'm not sure what it stands for, but basically,
16 it's a piece of work, such as one item could be
17 food service, something specific.

18 Q. **Those are good examples. So if one of those**
19 **events happen, someone decides to close a base or**
20 **eliminate a piece of work, then what happens at**
21 **that point?**

22 A. Then a list is created of the personnel affected.
23 It's determined if any cross leveling can occur,
24 and then the SRF form is created, and the
25 personnel, the effected personnel, are given a

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1 memorandum of record which states what their last
2 date on the project will be.

3 **Q. Isn't it true that before any reduction is**
4 **conducted, there is a meeting between Fluor and**
5 **its government customer to discuss the proposal**
6 **and the reduction of the head count and how it**
7 **would be carried out?**

8 **A. I don't believe so.**

9 **Q. Does the military customer need to approve a**
10 **reduction in force or organizational modification**
11 **before it occurs?**

12 **A. Not that I'm aware of.**

13 **Q. Under Fluor's policies in effect in 2014, could**
14 **Ron Riley just decide on his own to conduct a**
15 **reduction in force?**

16 **A. It has to be reviewed by HR.**

17 **Q. Is there any other requirement for conducting a**
18 **reduction in force other than Mr. Riley deciding**
19 **to do one and HR reviewing it?**

20 **A. Well, with an organizational modification, it**
21 **would be the manager, and then it's reviewed by**
22 **HR. As I said earlier, a reduction in force, as**
23 **pertains to that particular document canceling**
24 **PWS items or closing a base, there is more**
25 **involved in that.**

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1 Q. And I get that. If Ron Riley, on his own -- I'm
2 not suggesting Ron Riley, on his own, is going to
3 close a base.

4 A. Right.

5 Q. I understand that's done high-level stuff. I'm
6 not trying to get to that. I'm just asking, can
7 Ron Riley himself, in 2014, decide to reduce the
8 head count in his department and conduct a layoff
9 with HR review?

10 A. Yes.

11 O. And who, within HR, would need to review that?

12 A. I believe strength management reviews that.

13 Q. That would be Mr. Badillo?

14 A. He was one person in strength management at the
15 time. I don't know if he was the only person at
16 the time.

17 Q. Did Mr. Badillo have the authority to veto a
18 decision by Mr. Riley to reduce the head count in
19 his department?

20 A. No. However, HR did make sure that any
21 eliminated position was not backfilled with a new
22 requisition.

23 Q. Who made the decision to eliminate plaintiff's
24 position? That would be Ms. Taylor.

25 A. Ron Riley initiated the SRF.

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1 Q. Who else was involved?

2 A. HR reviewed it.

3 Q. Who in HR?

4 A. I'm unsure of who in HR. It would have been
5 someone on the strength management team.

6 Q. When did Mr. Riley decide to eliminate Ms.

7 Taylor's position?

8 A. I believe the SRF was generated, I believe, on 11
9 August, 2014, but you probably have the form that
10 states that.

11 Q. I do, and I won't hold you to a date that's on a
12 form.

13 Did Mr. Riley make the decision to eliminate her
14 position on the date that he created the SRF?

15 A. I don't know.

16 Q. What discussions did Mr. Riley have with HR about
17 the elimination of Ms. Taylor's position?

18 A. Besides providing the SRF, I'm unsure of any
19 conversations he had with HR at that time.

20 O. Did Mr. Riley discuss it with Mr. Whitcomb?

21 A. I don't know.

22 Q. Who, within HR, was involved in the discussions
23 with respect to the elimination of Tara Taylor's
24 position?

25 A. Strength management would have received the SRF,

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1 and Pete Irvin provided Ms. Taylor her notice.

2 **Q. Was Mr. Irvin involved at all in the decision to**
3 **eliminate Ms. Taylor's position or the HR review**
4 **of that decision?**

5 A. Not that I'm aware of.

6 **Q. Had anybody at Fluor instructed Mr. Riley that he**
7 **needed to eliminate any positions in his**
8 **department?**

9 A. There was a great deal of pressure from the
10 client about eliminating positions. In fact, the
11 project had come down from around 25,000 to
12 around 10,000 employees and subcontractors at
13 that point. Prime Contracts was in meetings
14 every other week to discuss reductions in
15 personnel. So there was a great deal of pressure
16 to remove positions.

17 **Q. Did anybody at Fluor instruct Mr. Riley to**
18 **eliminate any positions in his department in**
19 **2014? Let me ask --**

20 A. No, no --

21 **Q. No. Let me narrow it down, because 2014 is a**
22 **really awful long time period, some of which**
23 **wasn't at issue here, so I don't want you to get**
24 **trapped in something too broad.**

25 **Did anybody at Fluor give Mr. Riley any**

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1 **instruction to eliminate any positions in his**
2 **department after May 29, 2014?**

3 A. I'm not sure of the dates. I believe Mr. Harbor
4 spoke to all the functions about reducing their
5 head count.

6 Q. **Who is Mr. Harbor?**

7 A. At the time, he was the deputy country manager.

8 Q. **Is there any documentation of Mr. Harbor told the**
9 **different functions?**

10 A. Not that I have seen.

11 Q. **Did anybody from Fluor instruct Mr. Riley that he**
12 **needed to reduce the head count in his department**
13 **in 2014?**

14 A. I believe, sometime in 2014, Mr. Harbor had those
15 discussions with him.

16 Q. **So Mr. Harbor told Mr. Riley to reduce the head**
17 **count in the Prime Contracts department?**

18 A. He had those discussions with all the functions,
19 and I believe he had them with Mr. Riley as well.

20 Q. **When was the discussion between Mr. Harbor and**
21 **Mr. Riley?**

22 A. I don't know.

23 Q. **Did anybody from the military ever tell Mr. Riley**
24 **that he should reduce the head count of the**
25 **department in 2014?**

Page 68

1 A. Yes.

2 Q. It's dated May 1, 2014?

3 A. It is.

4 Q. If you go to page 2617, who is projected to be
5 the country GCS on the July 1, 2014 chart?

6 A. Tara Taylor.

7 Q. Going to the next page, who is projected to be
8 the country GCS on October 1, 2014?

9 A. Tara Taylor.

10 Q. Going to the next page, who is projected to be
11 the country GCS in January 2015?

12 A. Tara Taylor.

13 Q. Going to the next page, who is projected to be
14 the country GCS in April 2015?

15 A. Tara Taylor.

16 Q. Going to the next page, who is projected to be
17 the country GCS in July of 2015?

18 A. Tara Taylor.

19 Q. Do you know who created this Organizational
20 Realignment Plan?

21 A. I do not.

22 Q. Did you ever discuss it with Mr. Riley?

23 A. I don't believe I did.

24 Q. That document was created -- or is dated May 1,
25 2014.

1 (Exhibit Number 8 marked for
2 identification.)

EXAMINATION RESUMED

4 BY MR. MURPHY:

5 Q. Can you tell me, what is the document we've
6 marked Exhibit Number 8?

7 A. It's a Fluor Government Group Prime Contracts
8 management organizational chart.

9 Q. And it's dated what?

10 A. May 28th, 2014.

11 Q. So that's three weeks after the date of Exhibit
12 Number 7, correct?

13 A. Correct.

14 Q. It's also the day before you interviewed Ms.
15 Taylor?

16 A. Correct.

17 Q. And who is the country GCS?

18 A. Tara.

19 (Exhibit Number 9 marked for
20 identification.)

EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. Can you identify for us what is Exhibit Number 9?

24 A. It's Fluor Government Group Prime Contracts
25 management organizational chart.

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1 Q. Okay. And that was dated July 14, 2014, correct?

2 A. It was.

3 Q. And in Exhibit Number 8, Ms. Taylor is listed as
4 country GCS, with a direct line to Ron Riley. Do
5 you see that?

6 A. Yes.

7 Q. Where is she on 9?

8 A. She falls under Dexter Hooks.

9 Q. And this was after she participated in the
10 interviews and after she filed her own hotline
11 complaint?

12 A. One of many people that participated in the
13 investigation.

14 Q. Did you ever discuss with Mr. Riley why her
15 position is represented to have been changed in
16 the organization charts?

17 A. I did not.

18 Q. Do you know if anybody did?

19 A. I believe Willard might have.

20 Q. In May of 28, Tara Taylor reported to Ron Riley?

21 A. May of?

22 Q. I think I screwed up the question.

23 In May of 2014, Ms. Taylor reported to Ron Riley?

24 A. Yes.

25 Q. And in July of 2014, she's reporting to somebody

Page 78

1 Q. Was the SRF dated the same day as the SRF for Ms.
2 Taylor?

3 A. I don't believe so.

4 Q. What was the date of Ms. Klimak's SRF?

5 A. The form that they have on record was dated
6 October 11th, I believe. However, it was never
7 presented to her.

EXAMINATION RESUMED

11 BY MR. MURPHY:

12 Q. Do you see the e-mail that is attached from Mr.
13 Badillo to Mr. Smith dated October 18 that's been
14 marked as Exhibit Number 11?

15 A. Yes.

16 Q. It says, as discussed and requested, attached are
17 the SRFs and first initial stage for the
18 elimination of positions/employees, Mrs. Taylor,
19 Tara, and Ms. Klimak, Nikoletta. Did you see
20 that?

21 A. Yes.

22 Q. Exhibit Number 12 is what?

23 A. An SRF with Nikoletta's name.

24 Q. Was that the attachment to Mr. Badillo's e-mail?

25 A. I believe it was.

1 Q. **And what is Exhibit 13?**

2 A. It is an SRF for Ms. Taylor.

3 Q. **And is that the other attachment that's**
4 **identified in Exhibit 11?**

5 A. I believe it is.

6 Q. **Did Mr. Riley make a recommendation to eliminate**
7 **Nikoletta Klimak's position in August 2014?**

8 A. An SRF -- there is an SRF form here, but it is --
9 it has Ron Riley's name typed in, but it doesn't
10 have an electronic signature.

11 Q. **That wasn't my question. My question was, did**
12 **Mr. Riley make a recommendation to eliminate Ms.**
13 **Klimak's position in August of 2014?**

14 A. I don't know if he made the recommendation. I
15 can state that there was an SRF filed with Ron
16 Riley's name on it with the elimination of her
17 position.

18 Q. **When was a decision made to -- was a decision**
19 **made to eliminate Ms. Klimak's position?**

20 A. I'm sorry, can you say that again?

21 Q. **Was there a decision made in 2014 to eliminate**
22 **Ms. Klimak's position?**

23 A. Ms. Klimak's position was never eliminated.

24 Q. **Does it exist today?**

25 A. Yes. There is a Prime Contracts specialist in

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1 However, I don't know if his initial assignment
2 in Bagram was a result of that.

3 **Q. When you say initial assignment, what are the**
4 **dates of his initial assignment?**

5 A. He mobilized in -- he was hired January 2014, and
6 I believe it was February when he mobilized to
7 Afghanistan.

8 **Q. For the record, what is an ACO?**

9 A. Assigned contracting officer.

10 **Q. When did Mr. Begnaud come to Bagram?**

11 A. He mobilized from Greenville in either late
12 January or early February 2014.

13 **Q. And at that time, did he report to the Bagram Air**
14 **Force Base?**

15 A. To the Bagram Prime Contracts, yes.

16 **Q. Okay. For what period of time was he assigned to**
17 **the Bagram Air Force Base Prime Contracts group?**

18 A. Very soon thereafter, he was traveling to other
19 FOBs far more than he was ever in Bagram, so he
20 was dealing with the issues out there.

21 **Q. And was he then brought back to Bagram at some**
22 **point in 2014?**

23 A. Yes.

24 **Q. And when was that?**

25 A. I believe it was near the end of the year. He

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1 **Does Fluor disagree with any of the factual
2 assertions made by Dr. Alford in paragraphs 1
3 through 10?**

4 A. Number 5, the 55 percent uplift, I believe,
5 started in February 2017, not December 31st,
6 2016.

7 Q. **Okay. And I can come back to those things, but
8 if you want to go through and tell me if there is
9 anything else, we'll come back to that.**

10 A. On Number 6, it states that during R and R, she
11 would have been compensated at her base rate for
12 only 40 hours per week with no salary uplift.
13 However, employees are given 288 hours of
14 vacation to use during their vacations, and they
15 can't go over 40 hours, so you're not --
16 basically, you're not guaranteed a 40-hour
17 workweek while you're on vacation. You use your
18 vacation balance as you have it. Is that clear
19 enough or --

20 Q. **We'll come back to these things.**

21 A. Oh, okay.

22 Q. **I want you to list for me -- the pending question
23 is, are there any statements, which you disagree,
24 and then we'll come back and revisit those, and
25 I'll let you explain.**

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1 MR. SAMPLES: Yes.

2 MR. MURPHY: Let's take a break.

3 (Recess taken.)

4 (The following testimony provided by Mr.
5 Smith.)

6 EXAMINATION RESUMED

7 BY MR. MURPHY:

8 Q. **What was done to investigate Ms. Taylor's hotline
9 complaint?**

10 A. The allegations were reviewed and a decision was
11 made who to investigate. An interview was
12 conducted and findings were reached.

13 Q. **Who made the decision as to who would conduct the
14 investigation?**

15 A. Steve Lamb.

16 Q. **Excuse me?**

17 A. Steve Lamb.

18 Q. **And who is Steve Lamb?**

19 A. He is the HR lead for FGG.

20 Q. **And who did the investigation?**

21 A. I conducted the investigation.

22 Q. **And by whom are you employed?**

23 A. With Fluor Corporation.

24 Q. **Did anybody else participate as an investigator
25 with regard to Tara Taylor's complaint?**

Page 120

1 A. No.

2 Q. Did you ever meet face to face with any of the
3 individuals involved in the Tara Taylor
4 complaint?

5 A. I did not.

6 Q. Did you ever go to Afghanistan with respect to
7 the Tara Taylor complaint?

8 A. I did not.

9 Q. And were all of your conversations by telephone?

10 A. Conversations, yes, were by telephone. There
11 were some e-mail exchanges as well.

12 Q. Who made the decision as to what action, if any,
13 should be taken as a result of Tara Taylor's
14 complaint?

15 A. I'm sorry, what do you mean by what action?

16 Q. Well, was any action taken as a result of Tara
17 Taylor's complaint?

18 A. Yes.

19 Q. What action was taken?

20 A. Guidance was provided to Mr. Riley.

21 Q. And did somebody recommend that action be taken
22 against Mr. Riley?

23 A. That came from me.

24 Q. And what did you recommend?

25 A. My guidance to Mr. Riley, which was implemented,

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1 Q. **Do you have -- well, it's one of the topics we**
2 **listed. Did anybody from Fluor speak to Mr.**
3 **Witcomb about the allegations against Mr. Riley**
4 **that were raised by Tara Taylor?**

5 A. What I would say is it would not surprise me. My
6 job was to report back to Mr. Lamb, but I have no
7 knowledge of that, to answer your question.

8 Q. **Fluor doesn't have any knowledge of anybody**
9 **discussing the allegations with Mr. Witcomb?**

10 A. I do not have any knowledge of that.

11 Q. **Do you understand you're speaking for the**
12 **corporation?**

13 A. Yes.

14 Q. **And Mr. Witcomb would be the only individual with**
15 **authority to discipline Mr. Riley?**

16 A. He would certainly be one of the people to do
17 that, for sure. It may be that HR decides to
18 discipline them as well. If that is the case,
19 then that is a discussion that would be had.

20 Q. **But no discussion like that was ever had, was it?**

21 A. I can't say that it was.

22 Q. **And there is no documentation that you ever**
23 **investigated the fact that closeout duties were**
24 **removed from Tara Taylor, is there?**

25 A. My investigation was to see why -- she had

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1 brought up the issue that she was moved
2 downstairs. Mr. Riley said that, and I confirmed
3 with -- Dexter said it was an operational or
4 managerial move, but --

5 **Q.** **Go ahead.**

6 **A.** No. Go ahead.

7 **Q.** **You complete. If you're done, let me know. If**
8 **you have more to say, it wasn't my intent to**
9 **interrupt you.**

10 **A.** I didn't go into detail about why duties were
11 removed from her. It was a managerial move.

12 **Q.** **Did you ever ask Mr. Riley why he took closeout**
13 **duties away from Tara Taylor?**

14 **A.** My understanding was there weren't a lot of
15 duties to be had. There seemed to be a
16 misunderstanding between Ms. Taylor and Mr. Riley
17 on what was expected of her when she went
18 upstairs and then when she went back downstairs.

19 **Q.** **What is your basis for saying that?**

20 **A.** There was an e-mail exchange between the two of
21 them. Ms. Taylor was attempting to portray her
22 side of the story, whereas Mr. Riley was doing
23 the same, and that's my understanding on there
24 was a differing opinion of what was required of
25 each or what she was going to do.

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1 Q. Is that e-mail exchange referenced in your
2 investigation here, Exhibit 15?
3 A. I don't recall the title of it, of that e-mail,
4 but I have seen it. I think it was quite
5 possibly the Response Relocation of
6 Office.2pdf.pdf, but I'm not sure. I would need
7 to look and see the document. It's on Bates
8 2383, is what I'm referencing.

9 Q. Let's go back to my question.

10 A. Okay.

11 Q. Did you ever ask Mr. Riley why he took closeout
12 duties away from Ms. Taylor?

13 A. I asked -- no. I asked him why the move was
14 made.

Q. Why the move from second floor to first floor?

16 A. Yes.

17 Q. Had Mr. Riley completed an SRF form for Kimberly
18 Johnson?

19 A. I think there was a form for her.

20 Q. And did they find Ms. Johnson another job?

21 A. I don't recall if they did or did not.

22 Q. Did they fill Ms. Johnson's position after an SRF
23 was completed?

24 A. I do not know that.

25 Q. Did you have access to the prior investigation.

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1 Q. **And why did you interview Paul Gentry?**

2 A. His name came up in connection to this case.

3 Q. **And he told you that Mr. Badillo said Ron wanted**
4 **to fire or RIF Tara and maybe Nikki?**

5 A. Yes.

6 Q. **Was sick of them and their bullshit, or something**
7 **to that effect?**

8 A. Yes.

9 Q. **And that Mr. Badillo told him there was no**
10 **justification for it, didn't he?**

11 A. That's what Mr. Gentry said. Mr. Badillo said he
12 didn't say that.

13 Q. **Did your investigation lead you to any reason to**
14 **believe why Mr. Gentry would say that if it**
15 **didn't occur?**

16 A. I am not sure why he would say that. I don't --
17 I don't want to speculate. What I can say is it
18 was denied by Mr. Badillo. I do know that Mr.
19 Gentry mentioned that he wasn't a big supporter
20 of Ron, and he thought that Mr. Witcomb should
21 terminate him. If he was in Mr. Witcomb's place,
22 he would terminate him, so I'm not sure if --
23 what's driving his opinion on that. He said Ron
24 was a weak manager.

25 Q. **He also told you that it was relayed to him that**

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1 **Mr. Riley said he was sick of those bitches, and**
2 **I want to get rid of them, right?**

3 A. Mr. Gentry did say that was relayed by Mr.
4 Badillo.

5 Q. **And that's the comments that Tara Taylor told you**
6 **she had been hearing, correct?**

7 A. And that's why I went to Mr. Badillo and raised
8 the issue.

9 Q. **Well, did Mr. Badillo say who was party to the**
10 **conversations between him and Mr. Riley?**

11 A. No, he did not.

12 Q. **As far as you know, it was just Mr. Badillo and**
13 **Mr. Riley?**

14 A. That's correct.

15 Q. **And Mr. Badillo was aware, then, that in the**
16 **investigation there was an allegation that he**
17 **said to another member of management what Mr.**
18 **Riley purportedly said?**

19 A. Mr. Badillo was aware that I was investigating.
20 Mr. Badillo came to understand, through the
21 course of the interview, that that statement was
22 made, and I was asking him about it, which he
23 denied.

24 Q. **And Mr. Badillo is the individual who reviewed**
25 **Mr. Riley's decision to RIF both Ms. Taylor and**

Page 138

1 **Ms. Klimak?**

2 A. My understanding, it may have been him. It was
3 somebody in SMT, Strength Management's team.

4 Q. **You saw the e-mails from Mr. Badillo --**

5 A. Like I said, it's him or somebody in Strength
6 Management.

7 Q. **You knew, as of mid August, that there was**
8 **purportedly a conversation between -- where Mr.**
9 **Riley told Mr. Badillo he wanted to get rid of**
10 **those bitches, you know there was documents**
11 **recommending that he get rid of them, and you**
12 **know that Mr. Badillo reviewed that?**

13 A. In my estimation, speaking to Mr. Badillo, I did
14 not see where he had animosity towards those two
15 ladies. In fact, he wanted to stay out of all of
16 this.

17 Q. **Is there any documentation of anybody else from**
18 **HR reviewing the recommendation to terminate the**
19 **assignments of Tara Taylor and Nikki Klimak other**
20 **than Mr. Badillo?**

21 A. I cannot say that there is or is not.

22 Q. **Did you ever advise Ms. Taylor that while you**
23 **were investigating her matter, you found out that**
24 **Mr. Riley was, in fact, planning to get rid of**
25 **her?**

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1 A. I don't recall that I told her that she was on a
2 RIF list.

3 Q. So you know there was an allegation from Ms.
4 Taylor that she was being told that Ron Riley
5 wanted to get rid of her. You corroborated, in
6 fact, he was trying to get rid of her, and you
7 couldn't substantiate any allegations?

8 MR. SAMPLES: Object to the form.

9 THE DEONENT: My understanding is that the SRFs were
10 not acted upon. They weren't signed. All I can
11 tell you, sir, is that I heard the statements, I
12 heard the denial, and I heard Mr. Riley's
13 explanation as to why Ms. Taylor was being let go
14 from the project, and that was because they
15 needed a manager and specialist at the project.
16 She was a supervisor and wasn't qualified to be a
17 manager.

EXAMINATION RESUMED

19 BY MR. MURPHY:

20 Q. There isn't any documentation of Mr. Riley
21 explaining to you why he chose Ms. Taylor, is
22 there?

23 A. He told me that, sir, and he did -- I do have
24 documentation. I just have to get that to you.

25 Q. What is the documentation?

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1 **participated in complaints?**

2 A. He told me that she didn't have the experience to
3 be a manager, and a manager and a specialist were
4 needed in Bagram to cover the duties.

5 Q. **And again, that would be in some notes you have?**

6 A. Yes.

7 Q. **But you can't tell me what notes?**

8 A. Not at this time, sir.

9 Q. **In August of 2014, the manager of the department**
10 **was Dexter Hooks, correct?**

11 A. That's my understanding.

12 Q. **And you interviewed Dexter Hooks?**

13 A. I did.

14 Q. **And Dexter Hooks told you he thought that Tara**
15 **Taylor was being retaliated against?**

16 A. No, he did not. He said that the TV issue -- he
17 hadn't heard anything about the TV issue, being
18 turned off. He told me that the move downstairs,
19 he thought that was an operational and managerial
20 decision. He had no issues with that. He told
21 me there has been increase in management activity
22 from Mr. Riley towards the group. He's more
23 hands on, but at no time did he tell me there was
24 retaliation going on. He also told me he wanted
25 no part of this whatsoever.

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1 Q. Well, you can understand why that is, can't you?

2 MR. SAMPLES: Object to the form.

3 EXAMINATION RESUMED

4 BY MR. MURPHY:

5 Q. I mean, did you ever take that comment that Mr.
6 Hooks was a little bit afraid of retaliation?

7 A. No. I took it as he's a good person that was
8 giving good and not-so-great things about the
9 department. I thought he was even handed in his
10 statement to me.

11 Q. So you found Mr. Hooks credible?

12 A. I -- yes. He wasn't clearly -- he didn't think
13 there was retaliation there, but at the same
14 time, he thought there were some differences.

15 (Exhibit Number 16 marked for
16 identification.)

17 EXAMINATION RESUMED

18 BY MR. MURPHY:

19 Q. Can you identify what's been marked as Deposition
20 Exhibit 16?

21 A. Yes, I can. It's Dexter Hooks' interview
22 conducted by me on August 19th, 2014.

23 Q. And you created these notes?

24 A. That is correct.

25 Q. Let's go to the second page. Under discussion

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1 **concerning Ms. Taylor and Ms. Klimak, do you see**
2 **under moving downstairs?**

3 A. I do.

4 Q. Okay. In the second to last sentence, it says,
5 **the move was viewed by Tara as retaliation, and**
6 **Dexter believes it was as well. Do you see that?**

7 A. I do.

8 Q. So Dexter did tell you he viewed the move of Ms.
9 **Taylor as being retaliation, didn't he?**

10 A. No. He said the manager has a right to move
11 people, and he had no problems with moving her
12 downstairs. After that, once he got there, then
13 he thought that it was fine to move her back.

14 Q. Did you accurately recount your conversation with
15 **Mr. Hooks here?**

16 A. I did.

17 Q. And Dexter told you he believed the move was
18 **retaliation?**

19 A. He told me that she should have went upstairs --
20 I'm sorry, she -- she could have gone upstairs if
21 -- once he got there, but initially, when he
22 wasn't there and she was moved downstairs, he
23 didn't have any issues with that.

24 Q. Let's go to the next page. Do you see the
25 **heading, Dexter summed up his observations as**

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1 **follows?**

2 A. I do.

3 Q. In the first bullet point, you recount that Mr.
4 Hooks said the problem is it's been a 180-degree
5 turnaround based on the hotline complaints from
6 three people. It is a hostile work environment
7 for the women, and for Dexter, it is
8 uncomfortable. Do you see that?

9 A. I do.

10 Q. Does that accurately reflect what Mr. Hooks told
11 you?

12 A. The women believed it was a hostile work
13 environment, yes, and that he wasn't comfortable.
14 He did not want to speak to me about this at all.

15 Q. He told you it was a 180-degree turnaround based
16 on the hotline complaints?

17 A. Because there was increased management. He did
18 not say it's improper. He did not say it was
19 inappropriate. He did not say it was
20 retaliatory.

21 Q. He told you that Mr. Riley stopped communicating
22 with the women verbally?

23 A. He was e-mailing them back and forth, and they
24 were e-mailing him. There wasn't greetings and
25 things of that nature, but he was communicating

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1 with them.

2 **Q.** Going back to the previous page, Mr. Hooks, the
3 department manager, told you the situation was a,
4 quote, powder keg. Do you see that?

5 **A.** I do.

6 **Q.** He says there are things that did not happen
7 before but are now taking place. Do you see
8 that?

9 **A.** I do.

10 **Q.** And he told you that, for example, they're not
11 approving R and Rs quickly, and he did not see
12 the need for that. Do you see that?

13 **A.** Yes, but he's not in a position to know
14 everything that Mr. Riley knows about what's
15 happening and who needs to take time off.

16 **Q.** You never questioned Mr. Riley about the R and
17 Rs, did you?

18 **A.** It wasn't his managerial prerogative. I didn't
19 see it was retaliatory if he took a few days. At
20 the same time, he hadn't approved his own R and
21 R. It may have taken longer for Ms. Taylor to
22 get her R and Rs approved, but his wasn't
23 approved the next day either.

24 **Q.** That wasn't my question. Answer my question.

25 **MR. SAMPLES:** Brian, I think he's answered your

Page 148

1 question.

2 MR. MURPHY: No, he hasn't.

3 EXAMINATION RESUMED

4 BY MR. MURPHY:

5 Q. You never asked Mr. Riley about the R and R
6 approvals, did you?

7 A. I spoke to him. He said that he hadn't approved
8 his -- or his wasn't approved, and theirs weren't
9 approved either.

10 Q. Did you document that?

11 A. I believe it's in my notes.

12 Q. The next bullet point, you say, Mr. Hooks was
13 questioned if Ron Riley was improving his
14 management style. Mr. Hooks believes these
15 actions are due to the hotline calls and does not
16 think Mr. Riley is trying to become a better man.
17 Do you see that?

18 A. I do.

19 Q. Does that accurately reflect what Mr. Hooks told
20 you?

21 A. Yes. He did say these actions came after the
22 hotline calls came in. He did say that Mr. Riley
23 was not trying to become a better manager.

24 Q. He didn't say the actions came after the hotline
25 calls. He said the actions are due to the

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1 **hotline calls.**

2 A. Excuse me.

3 Q. **That's what the --**

4 A. I misspoke.

5 Q. **That's what the manager onsite told --**

6 A. Okay. I understand. I heard you. I misspoke.

7 Q. **And Dexter told you that the TV was not an issue**
8 **until the hotline complaints were filed, didn't**
9 **he?**

10 A. That's what I wrote, yes.

11 Q. **And that's what he told you?**

12 A. That's right. But the reason for that, in
13 speaking to Ron Riley, is that there is more
14 customers there onsite, more three-star generals,
15 and we needed to have a professional environment.

16 Q. **Did you document Mr. Riley told you that?**

17 A. Yes.

18 Q. **Where is that documentation?**

19 A. In my notes.

20 Q. **And on August 19 -- if you look at the final**
21 **entry there on page 326 -- Mr. Hooks told you**
22 **that there is enough work to keep the current**
23 **staffing levels in Bagram. Do you see that?**

24 A. I do.

25 Q. **Did you tell Mr. Hooks that Mr. Riley had**

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

CASE NO. 6:17-cv-01875-MGL-KFM

Tara Taylor,

Plaintiff,

vs.

Fluor Corporation, and Fluor
Government Group International, Inc.,

Defendants.

DEPOSITION OF FLUOR GOVERNMENT GROUP INTERNATIONAL
GIVEN BY PRESTON TAYLOR HOWARD, JR.
VOLUME II

DATE TAKEN: May 10, 2018
TIME BEGAN: 8:56 a.m.
TIME ENDED: 11:11 a.m.
LOCATION: Stephenson & Murphy, LLC
207 Whitsett Street
Greenville, South Carolina 29601
REPORTED BY: Traci L. Barr, RPR
Registered Professional Reporter

EXPEDITE COURT REPORTING, LLC
Traci L. Barr & Associates
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13

14 ALSO ATTENDING: (None.)

15

16

17

18

19

20

21

22

23

24

25

- 1 A. Two have.
- 2 Q. **What two bases have reopened?**
- 3 A. FOB Lightning and Shank, which is renamed to FOB
- 4 Dhalke.
- 5 Q. **Can you spell that for us?**
- 6 A. D-H-A-L-K-E.
- 7 Q. **And FOB Lightning?**
- 8 A. Yes.
- 9 Q. **What does FOB stand for?**
- 10 A. Forward operating base.
- 11 Q. **Where is FOB Lightning?**
- 12 A. It's in Central Afghanistan just west of Kabul.
- 13 Q. **In October 2014, was Fluor in the process of**
- 14 **shutting down the Bagram Air Force Base?**
- 15 A. No.
- 16 Q. **In October 2014, was Fluor in the process of**
- 17 **shutting down any LOGCAP 4 operations for which**
- 18 **Tara Taylor had any responsibility?**
- 19 A. I would say yes, because we were drawing down
- 20 overall in Theater.
- 21 Q. **How did the drawing down overall in the Theater**
- 22 **result in the elimination of Tara Taylor's**
- 23 **position?**
- 24 A. That was in the period of performance called
- 25 Option Year 4. In the Request for Proposal from

is why the recommendation was made and --

2 MR. MURPHY: Right. I'm trying to get to the timing of
3 it.

4 MR. SAMPLES: That was covered by another topic. That
5 was covered by 22-B, when the decision was made.

EXAMINATION RESUMED

7 BY MR. MURPHY:

8 Q. Why did Mr. Riley recommend that Tara Taylor's
9 position be eliminated?

10 A. To stay within budget for his department.

11 Q. How did you inform yourself of that information?

12 A. I was the Project Controls manager that

13 participated in the budget review meetings with
14 each department manager.

15 Q. Is there any documentation of Mr. Riley's reasons
16 for why he was recommending Tara Taylor's
17 position be eliminated?

18 A. The department budget graphs.

19 Q. Are you saying graphs?

20 A. Graphs or worksheets. The department budget
21 tool.

22 Q. Do you know whether or not that was produced in
23 this case?

24 A. Do we know when it was produced?

25 Q. Do you know whether it was?

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1 A. Yes.

2 Q. Is there any documentation of Mr. Riley orally
3 giving names and dates at these budget meetings?

4 A. No, I don't -- no.

5 Q. When was the Pivots tab data created?

6 A. Monthly. It was a working file throughout the
7 period of performance.

8 Q. Okay. Let me be a little more specific. With
9 regard to Document 2739, the data that's in the
10 Pivots tab, when was that created?

11 A. It was initially created July of '14.

12 Q. And is what we have as 2739 data from July of
13 2014, or is it data that started in July of 2014
14 and was modified after?

15 A. Yes, it was data that started in July, and
16 depending on the actual scenario that happened
17 monthly, it was modified throughout the period of
18 performance.

19 Q. Do we have any documentation as to what person or
20 persons Ron Riley may have recommended for --
21 strike that.

22 Do we have any documentation as to what positions
23 Ron Riley may have recommended for elimination in
24 July of 2014?

25 A. No.

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1 Q. Do we have any documentation as to any positions
2 Ron Riley may have recommended for termination in
3 August of 2014?

4 A. No.

5 Q. Do we have any documentation as to what positions
6 Ron Riley may have recommended for elimination in
7 August of 2014?

8 MR. SAMPLES: Object to the form.

9 THE DEPONENT: Do I answer?

10 MR. SAMPLES: Go ahead.

11 THE DEPONENT: No.

12 EXAMINATION RESUMED

13 BY MR. MURPHY:

14 Q. Do we have any documentation as to what positions
15 Ron Riley would have recommended for elimination
16 in September of 2014?

17 A. Yes.

18 Q. What is that?

19 A. The SRF form.

20 Q. Anything else?

21 A. No.

22 Q. Under the first table here, which looks like it
23 takes Lines 3 to 11, under which line would the
24 salary associated with Tara Taylor's position
25 appear?

1 what time?

2 A. 1 July of '14 to 30 June of '15.

3 Q. When was the budget created for Option Year 4?

4 A. It would have been early July time frame. Yeah,
5 early July time frame.

6 Q. Who created the budget?

7 A. Project Controls.

8 Q. Is there any document we have here that shows
9 that Mr. Riley's department was operating above
10 budget?

11 A. Yes.

12 Q. What document?

13 A. It's the 2372 document.

14 Q. Does 2372 give us the budget for Project
15 Controls?

16 MR. SAMPLES: Object to the form.

17 THE DEPONENT: Project Controls?

18 EXAMINATION RESUMED

19 BY MR. MURPHY:

20 Q. I'm sorry.

21 A. Prime Contracts, yes.

22 Q. Where is that budget number for Prime Contracts?

23 A. It is in the upper right 1.08 million.

24 Q. Okay. And again, I think we've covered this
25 before in another context, but the budget is

1 **correct?**

2 A. The actuals?

3 Q. **Yes.**

4 A. Correct.

5 Q. **Where is the forecast showing that Ms. Taylor's**
6 **position needed to be eliminated because of the**
7 **budget?**

8 **That data didn't exist in July 2014, did it?**

9 A. The forecast data?

10 Q. **Is there forecast data from July 2014?**

11 A. It would be budget at that point, and then we
12 would forecast based on the department's
13 personnel plan.

14 Q. **Document 2372 is not forecast data, is it?**

15 A. The forecast portion of this would be the no
16 reduction.

17 Q. **That wasn't a forecast. That was actual numbers**
18 **created in 2015.**

19 A. It's actuals, plus forecast.

20 Q. **Where is the forecast data?**

21 A. I'm not sure --

22 Q. **There is no --**

23 A. -- I understand your question.

24 Q. **All the data on this chart is actual data that**
25 **was updated as of June of 2015?**

1 A. Not the forecast. The no reduction is the
2 forecast with no reductions in that department.
3 So at the time when this first was created, there
4 would be a budget based on the Option Year 4
5 proposal, and then you would see the forecast,
6 which would be a forecast at the time, in the no
7 reduction column.

8 Q. That's my question. Where is that document, at
9 the time in July of 2014, that says here's the
10 forecast?

11 A. It would have been the first iteration of this
12 file.

13 Q. And where would we get that?

14 A. I would have to see -- I would have to look in
15 the archive to see if we saved these by month.

16 Q. Because the data could be different than what's
17 on 2372?

18 A. It could be.

19 MR. MURPHY: No further questions.

20 MR. SAMPLES: I don't have anything further.

21 (Deposition concluded at 11:11 a.m.)

22

23

24

25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

CASE NO. 6:17-cv-01875-MGL-KFM

Tara Taylor,

Plaintiff,

vs.

Fluor Corporation, and Fluor
Government Group International, Inc.,

Defendants.

VIDEO LINK DEPOSITION OF
FLUOR GOVERNMENT GROUP INTERNATIONAL
GIVEN BY WILLARD SMITH
VOLUME II

DATE TAKEN: November 20, 2018

TIME BEGAN: 9:30 a.m.

TIME ENDED: 12:16 p.m.

LOCATION: Jackson Lewis, PC
15 South Main Street, Suite 700
Greenville, South Carolina 29601

REPORTED BY: Traci L. Barr, RPR
Registered Professional Reporter

EXPEDITE COURT REPORTING, LLC
Traci L. Barr & Associates
Post Office Box 25882
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(864) 509-0914
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.....On behalf of the Plaintiff

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.....On behalf of the Defendants

13

14 ALSO ATTENDING: Roshella James Smalls (via telephone)

15

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— — —

9 WILLARD SMITH, after having been duly
10 sworn, was examined and testified as
11 follows:

12 = = =

13 EXAMINATION

14 BY MR. MURPHY:

15 Q. So the record is clear, would you state your name
16 again, please?

17 A. Willard Smith.

18 Q. Okay. And you're the same Willard Smith who
19 testified on April 27th on behalf of Fluor?

20 A. That's correct.

21 Q. Mr. Smith, if you would turn your attention to
22 the documents that were previously sent to you
23 that are Bates numbered 3401 through 3404.

24 MR. MURPHY: And we'll mark these as
25 Exhibit 23.

(Exhibit Number 23 marked for
identification.)

3 THE DEPONENT: 3401 through 3404?

EXAMINATION RESUMED

5 BY MR. MURPHY:

6 Q. Right. Do you have those?

7 A. T do.

8 Q. Can you identify the documents that have been
9 marked Defendants' 3401 through 3404?

10 A. Yes, I can.

11 Q. What are they?

12 A. They would be my interview notes of Ron Riley
13 dated July 8, 2014.

14 O. And when did you create these notes?

15 A. Shortly -- during the course of the interview
16 with Mr. Riley.

17 Q. And what was the purpose of the interview with
18 Mr. Riley?

19 A. To ascertain his view on the allegations that
20 were received -- or, rather, contained in a
21 hotline complaint.

22 Q. Which hotline complaint?

23 A. There was a hotline complaint from Nikoletta
24 Klimak and Tara Taylor.

25 O. Did you create these notes on your computer?

1 A. Yes.

2 Q. And you were in your office at the time?

3 A. Yes.

4 Q. And where is your office located?

5 A. In Irving, Texas.

6 Q. Were these notes put into the Ethics Point
7 database?

8 A. No.

9 Q. Why not?

10 A. In light of the numerous attachments I had, it
11 was an inadvertent mistake that they were left
12 out.

13 Q. Were these notes created from any other document?

14 A. No.

15 Q. I call your attention to the next set of
16 documents, which is Bates stamped 3405 to 3410.

17 MR. MURPHY: We'll mark these as Exhibit 24.

18 (Exhibit Number 24 marked for
19 identification.)

20 EXAMINATION RESUMED

21 BY MR. MURPHY:

22 Q. Before I get to that, with regard to your
23 interview with Mr. Riley on July 8, 2014, are
24 there any notes other than the notes -- strike
25 that.

1 **With regard to your interview of Mr. Riley in**
2 **July of 2014, did you create any notes in July of**
3 **2014 other than the notes that we've marked as**
4 **Exhibit 23?**

5 A. I had a document where I put down initial
6 questions that I wanted to consider asking Mr.
7 Riley. I asked some of those questions, and
8 some, I did not. That document was just renamed
9 something different than what was the original
10 document with the questions on it, but it was the
11 final repository of my interview of Mr. Riley.
12 So in short, the draft -- the draft and the final
13 are the same. I just changed the name and
14 cleaned it up a bit.

15 Q. **I'm not asking you that.**

16 **I'm asking you, in July of 2014, did you create**
17 **any other notes of your interview other than what**
18 **was marked as Exhibit 23?**

19 A. Not that I can recall.

20 Q. **All right. Can you identify what we've marked as**
21 **Exhibit 24?**

22 A. Could you tell me the Bates number? I don't have
23 it marked.

24 Q. **Sure. Defendants' 3405 through 3410. Can you**
25 **identify that document for me?**

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1 A. The questions that were on that document when it
2 was originally created was created prior to the
3 interview with Mr. Riley.

4 Q. So your testimony is that both the content of
5 both 3401 through 3404 and 3405 through 3410, the
6 contents of those documents were created all in
7 July of 2014? Is that your testimony?

8 MR. SAMPLES: Object to the form.

9 THE DEPONENT: No.

EXAMINATION RESUMED

11 BY MR. MURPHY:

12 Q. All right. Let's back this up. I'm going to try
13 it one more time, Mr. Smith.

14 Document 3401 through 3404 --

15 MR. SAMPLES: I think he's hung up over created versus
16 last modified. You're asking him when he created
17 it.

18 MR. MURPHY: He's saying they're two different
19 documents.

20 MR. SAMPLES: Right. I didn't mean to interrupt. Go
21 ahead.

22 EXAMINATION RESUMED

23 BY MR. MURPHY:

24 Q. All right. Mr. Smith, the document 3405 through
25 3410, is there any content of that document that

1 **you did not create in July of 2014?**

2 A. There was some formatting changes in lieu of some
3 questions that were added later, so to answer
4 your question, yes, sir.

5 Q. **And those changes were made to the documents**
6 **we've marked 3405 through 3410?**

7 A. Yes.

8 Q. **When were those changes made?**

9 A. At some point after the interview with Mr. Riley.
10 I don't have an exact date, sir.

11 Q. **Was it in July of 2014?**

12 A. I believe it was after.

13 Q. **How far after July of 2014?**

14 A. I believe, going back, when I found the draft --
15 the notes of interview, rather, it was this year,
16 I believe.

17 Q. **2018?**

18 A. Yeah, I believe -- it was after -- it was after
19 the interview, sometime after the interview, as
20 best I can recall.

21 Q. **When you say, the interview, you're referring to**
22 **the interview that you had with Mr. Riley in July**
23 **of 2014?**

24 A. That's correct.

25 Q. **Well, is there any content --**

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1 A. These are interview -- a draft of interview notes
2 of Ron Riley dated July 8th, 2014.

3 Q. **Again, we're having some trouble hearing you.**

4 A. My apologies. These are interview notes from Ron
5 Riley dated July 8th, 2014.

6 Q. **Did you create these notes?**

7 A. Yes.

8 Q. **When?**

9 A. At the time of my interview with Mr. Riley.

10 Q. **And was your interview with Mr. Riley on July 8,**
11 **2014?**

12 A. Yes, sir.

13 Q. **Was that an interview by phone?**

14 A. It was.

15 Q. **Did anybody else participate in the interview**
16 **other than yourself and Mr. Riley?**

17 A. No.

18 Q. **And the purpose of your discussion with Mr. Riley**
19 **on July 8, 2014 was to discuss Tara Taylor's**
20 **hotline complaint?**

21 A. Yes. And Nikoletta Klimak as well. She had a
22 hotline complaint as well too.

23 Q. **Did you take the notes that are marked as Exhibit**
24 **24, 3405 through 3410, did you take those notes**
25 **during the phone call you had with Mr. Riley?**

1 A. Yes.

2 Q. After your phone call with Mr. Riley, did you
3 modify the document marked Exhibit 24?

4 A. No.

5 Q. So there is only one version of Exhibit 24,
6 document 3405 through 3410, and that is the
7 document we've marked as Exhibit 24, which was
8 created on July 8, 2014; is that correct?

9 A. Yes.

10 Q. With respect to your interview with Mr. Riley,
11 did you create any other notes in July of 2014
12 other than Exhibit 24, which are documents 3405
13 through 3410?

14 A. No.

15 Q. Did you make any recordings of your interview
16 with Mr. Riley?

17 A. What do you mean, electronic recordings?

18 Q. Any kind of recording.

19 A. Just the document you see in front of you.

20 Q. Exhibit 24?

21 A. Yes.

22 Q. All right. Let's turn to Exhibit 23, which is
23 documents Bates stamped 3401 through 3404.
24 Do you have that document with you?

25 A. Yes.

1 Q. Can you identify the document 3401 through 3404
2 for us?

3 A. These would be the final version of my interview
4 notes. This is Ron Riley dated July 8, 2014.

5 Q. But you did not create Exhibit 23 on July 8,
6 2014, did you?

7 A. No.

8 Q. When did you create it?

9 A. I believe it was in May of this year.

10 Q. May of 2018?

11 A. I would have to double-check, but it was much
12 later.

13 Q. What would you have to check to make sure of
14 that?

15 A. I just -- I don't recall, sir. I think it was in
16 2018 after the deposition that I had in
17 connection with this case.

18 MR. SAMPLES: Willard, we're having a hard time hearing
19 you.

20 (Discussion held off the record.)

EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. Just to recap, you created Exhibit 23, which is
24 3401 through 3404, after your deposition in this
25 case; is that correct?

1 A. Yes.

2 Q. **The first time you testified, which would have**
3 **been April 27?**

4 A. Yes.

5 Q. **Why did you create Exhibit 23, which is 3401**
6 **through 3404?**

7 A. In reviewing the Attachment 24, I noticed that
8 there were some punctual and grammatic (phonetic)
9 errors, such as not capitalizing words or
10 misspelling names. I also noticed there was
11 questions that were not asked, so in order to be
12 a little bit more professional, I made those
13 changes.

14 Q. **What do you mean by questions not asked?**

15 A. That they -- they were questions that weren't
16 asked of Mr. Riley.

17 Q. **Why did you document questions that were not**
18 **asked?**

19 A. When I -- when -- the draft for the document that
20 we used in Mr. Riley's interview back in July 8,
21 2014 contained questions. It doesn't necessarily
22 mean that I'll use all of those questions. So
23 when I looked at Attachment 23, those questions,
24 I just had -- I just did not remove them at the
25 time after I did the interview.

1 Q. Did you refer to any other notes when you made
2 the changes to the document that ended up
3 becoming Exhibit 23?

4 A. What do you mean, refer to?

5 Q. Well, did you have anything that you looked at,
6 in May of 2018, that told you what was accurate
7 or inaccurate about the notes you created in July
8 of 2018?

9 A. No, I don't recall that I did that.

10 Q. How did you know, in May of 2018, which is almost
11 four years after the interview, which specific
12 questions you asked or did not ask?

13 A. There weren't -- there weren't responses to them
14 on the document, by and large, that I can recall.

15 Q. When you say, the document --

16 A. I apologize. Attachment 23.

17 Q. What do you mean? Exhibit 24, the first set?

18 A. That's correct.

19 Q. So if you didn't see a response to a question on
20 Exhibit 24, which is your first set of notes, you
21 deleted it in the document that you created in
22 May of 2018, which is Exhibit 23?

23 A. I'm going to repeat what I heard you said just to
24 be sure.

25 Q. That's fine.

1 A. I -- okay. Questions that were not asked on the
2 draft document that, which is Attachment 24, were
3 removed on Attachment 3. Was that your question,
4 sir?

5 Q. Yes.

6 A. Yes. If there was no response to the question,
7 it was removed. If there was no response on the
8 document, it was removed.

9 Q. Okay. So if a question appears on Exhibit 24,
10 but it does not appear on Exhibit 23, then your
11 testimony is that question was not asked of Mr.
12 Riley?

13 A. That's correct, unless it appears in another part
14 of that same document. Sometimes, in interviews,
15 people jump around, so my questions may have been
16 much later on the document than what actually
17 occurred in the conversation with Mr. Riley.

18 MR. SAMPLES: Willard, I'm still having a little
19 trouble hearing you. I want you to keep using
20 the louder voice that you had, but just do it
21 through the phone.

22 THE DEPONENT: Okay.

23 MR. SAMPLES: Yeah, that's much better.

24 THE DEPONENT: All right.

25 EXAMINATION RESUMED

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1 BY MR. MURPHY:

2 Q. Let's go, then, to page 3403, which is part of
3 Exhibit 23.

4 A. Okay. Wait. Hold on. Okay.

5 Q. Is this the only documentation we have of what
6 you and Mr. Riley said to each other with respect
7 to Tara Taylor's Ethics Point complaint or
8 hotline complaint?

9 A. No.

10 Q. What other documentation do we have?

11 A. There were later interviews with Mr. Riley in
12 e-mail follow-ups.

13 Q. With respect to your July 8, 2014 meeting, do we
14 have any documentation of what was said between
15 yourself and Mr. Riley about Ms. Taylor's hotline
16 complaint other than what appears on Document
17 3403, which is part of Exhibit 23?

18 A. No.

19 Q. And, in fact, you don't document any questions
20 that you asked Mr. Riley about Ms. Taylor, do
21 you?

22 A. We spoke -- I spoke to Mr. Riley about Ms.
23 Taylor.

24 Q. We don't have any documentation of the questions
25 you asked him, do we?

1 A. No.

2 Q. **Why not?**

3 A. That's not always my writing style. As I
4 mentioned before, sometimes, when you're speaking
5 to an interviewee, there is a free flow of
6 information that's coming from them, which may
7 not --

8 Q. **Well --**

9 A. I'm sorry. Go ahead.

10 Q. **No. You finish your answer.**

11 A. Sometimes, there is not a question there because
12 the information is coming in, and I want to
13 document what's being said.

14 Q. **But as we saw from Exhibit 24, or Documents 3405**
15 **through 3410, prior to the interview, you wrote**
16 **down questions you wanted to ask Mr. Riley,**
17 **correct?**

18 A. Yes.

19 Q. **Did you write down any questions you wanted to**
20 **ask Mr. Riley about Ms. Taylor's hotline**
21 **complaint?**

22 A. No. I thought I was getting the information I
23 needed.

24 Q. **Do we have any documentation of what Mr. Riley**
25 **said to you during the July 8, 2014 phone**

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1 interview you had with him other than the
2 statements that appear on page 3403 of Exhibit
3 23?

4 A. No, I don't believe there is anything else that I
5 can recall.

6 Q. Do you recall anything Mr. Riley said to you in
7 your July 8, 2014 phone interview with him other
8 than the words that appear on the document
9 Defendants' 3403, which is part of Exhibit 23?

10 A. No, I don't recall anything.

11 Q. And nowhere in your July 8 notes of your
12 discussion with Mr. Riley does he ever discuss
13 eliminating Tara Taylor's position, does he?

14 A. Let me review my notes. No, I don't believe so.

15 Q. Let's go to the third bullet point or the circle
16 under the heading, Back in January and February,
17 he wanted to focus on task order closeout.

18 Do you see that?

19 A. Yes, I do.

20 Q. It's the bullet point that begins with, When Mr.
21 Johnson departed. Do you see that?

22 A. Yes, I do.

23 Q. Four lines down, there is a statement beginning
24 at the end of the line that says, Essential to be
25 moved to the lower floor.

1 **Do you see that?**

2 A. I do.

3 Q. **Is that a reference to Ms. Taylor?**

4 A. Yes.

5 Q. **The next statement is, GCM and GCS are tied**
6 **together and tries to get them to work together.**

7 **Do you see that?**

8 A. I do.

9 Q. **Who is the GCM to whom Mr. Riley was referring?**

10 A. He was talking, in general, about GCMs and GCSS,
11 not necessarily there in Bagram, to explain why
12 it's necessary to have unit cohesion and those
13 individuals working together.

14 Q. **Let's go back to Exhibit 24 if we could for a**
15 **moment.**

16 A. Sure. Give me one second to switch.

17 I have Attachment 24 in front of me.

18 Q. **Okay. And you can go to page 3408, please.**

19 A. 3408. I have that.

20 Q. **Okay. Just a moment, please.**

21 **On page 3408, do you see that, in the original**
22 **document you created in July of 2014, that you**
23 **did document questions you wanted to ask Mr.**

24 **Riley about Tara Taylor?**

25 A. I see some questions, yes, about that.

1 Q. Are these the only questions you ever wrote down
2 that you wanted to ask Mr. Riley in your July 8
3 phone interview with him?

4 MR. SAMPLES: Object to the form.

EXAMINATION RESUMED

6 BY MR. MURPHY:

7 Q. Let me back up.

8 Is there any other document in which you put down
9 questions you wanted to ask Mr. Riley about Tara
10 Taylor?

11 A. These are all the questions that I have in front
12 of me that I can say, at one point, I wanted to
13 ask him about.

14 Q. Well, my question is, is there anything else --

15 A. No. I'm sorry. I didn't mean to interrupt.

16 Q. No, you didn't interrupt me.

17 All I'm trying to get at, are there any other
18 questions written down anywhere that you planned
19 on asking Mr. Riley on July 8, 2014?

20 A. These were the -- no.

21 Q. Do you have the document Bates stamped 3445?

22 A. 3545, T do.

23 (Exhibit Number 25 marked for
24 identification.)

25 EXAMINATION RESUMED

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1 A. I believe it was in a later interview that I had
2 with him. It was -- the date was, I think,
3 August 19th, sir.

4 Q. **Why did you not --**

5 A. To answer your question, August 19th of 2014.
6 That would be --

7 Q. **Why --**

8 A. I apologize. Go ahead.

9 Q. **Are you done with your answer?**

10 A. Yes. I didn't mean to talk over you.

11 Q. **It was a little choppy, so I'm not sure either**
12 **one of us knew when the other was finished.**
13 **Have you been able to fully answer the last**
14 **question?**

15 A. Yes. So let me restate it or just reiterate it.
16 I have an interview of Ron Riley dated August 19,
17 2014, where I asked him about him allegedly
18 calling those two women bitches.

19 Q. **Why did you not ask Mr. Riley about the**
20 **ungrateful bitches comment on July 8?**

21 A. I had a fairly large file with a lot of
22 allegations, again, juggling two cases. I got to
23 it as quick as I could, and I did -- as you
24 noted, I did ask him about it.

25 Q. **Why did you not ask Mr. Riley about the**

1 ungrateful bitches comment on July 30th, 2014?

2 A. I think, again, I got to it as quick as I could,
3 juggling the material that I had.

4 Q. Let's -- do you have the Document 3546 through
5 3547?

6 A. Bear with me one moment.

I have Document 3546 and 3547 in front of me.

8 MR. MURPHY: We're going to mark that as Exhibit 26.

9 (Exhibit Number 26 marked for

10 identification.)

EXAMINATION RESUMED

12 BY MR. MURPHY:

13 Q. Looking at page 3547, it appears to be part of an
14 e-mail from -- well, the top of it gives me and a
15 to and a bcc -- or cc, but it doesn't say who
16 it's from, but it says, Thank you, Willard Smith,
17 on there. Do you see that?

18 A. I do.

19 Q. What is Document 3547?

20 A. That was my notice from me just informing them
21 that the case -- I need to close the case. Let
22 me say that. Ron Riley was out of the office.

23 Q. Did you have a discussion with Mr. Riley about
24 closing the case?

25 A. I did.

1 A. I can't recall that he did.

2 Q. All right. Let's go to the document marked 3554
3 through 3556.

4 A. 3554, 3556.

5 Q. Do you have that in front of you?

6 A. I do.

7 MR. MURPHY: Document 3554 through 3556 will be marked
8 as Exhibit 27.

9 (Exhibit Number 27 marked for
10 identification.)

11 EXAMINATION RESUMED

12 BY MR. MURPHY:

13 Q. Can you identify the document that's been marked
14 3554 through 3556?

15 A. Yes.

16 Q. What is it?

17 A. It is a working draft of my thoughts of where the
18 case stood at a particular point in time. At no
19 time was it intended to be my final thoughts of
20 the outcome or the allegations. That information
21 is contained in the hotline case.

22 Q. What's the name of this document?

23 A. Tara -- the name on the document says, Tara
24 Taylor Allegations.

25 Q. And is that the file name of the document?

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1 A. I'd have to go back and see, sir. I'm not sure.

2 Q. **Was this document kept in the Ethics Point**
3 **database?**

4 A. I do not believe it was.

5 Q. **When did you create this document?**

6 A. I believe it was in July of 2014.

7 Q. **When was it last revised?**

8 A. I believe in August 2014, before the closure of
9 the case.

10 Q. **What was the purpose of creating this document?**

11 A. There was a lot of information to manage, and I
12 thought it wise to put pen to paper, so to say,
13 and write it down and see where I stood at a
14 particular point in time. It was a way of
15 organizing information in my mind.

16 Q. **So your testimony is that the last time this**
17 **document was revised was August of 2014?**

18 A. I believe so.

19 Q. **And anywhere in this document, do you discuss the**
20 **allegations that Mr. Riley referred to Ms. Taylor**
21 **and Ms. Klimak as the ungrateful bitches?**

22 A. I don't see that I did.

23 Q. **Let's go to number 2 on page 3554.**

24 A. Yes.

25 Q. **Do you see where it says, Mr. Riley ostracized,**

1 **isolated, and ignored Mr. Johnson?**

2 A. Yes.

3 Q. **And you wrote down, Unsubstantiated; is that**
4 **correct?**

5 A. Yes.

6 Q. **But you had Mr. Johnson, Ms. Klimak, and Ms.**
7 **Taylor all telling you that that allegation was**
8 **true, didn't you?**

9 A. That's what they were alleging.

10 Q. **And did anybody deny that other than Mr. Riley?**

11 A. I cannot recall off the top of my head. Let me
12 think. Are you still there?

13 Q. **We're here.**

14 A. Okay. I can't recall. All I can tell you is
15 that I looked at the facts, took the interviews,
16 and I didn't see where retaliation was present.
17 A simple allegation doesn't mean it's a fact.

18 Q. **You had three people telling you it happened and**
19 **Mr. Riley saying it didn't. Is that all you had**
20 **when you concluded that the allegation was**
21 **unsubstantiated?**

22 A. I looked at what was alleged by Ms. Taylor and
23 Ms. Klimak, and I reviewed Mr. Wells'
24 investigation, and I couldn't find -- and after
25 talking to everybody, this is what I found. I

1 couldn't find it was retaliation.

2 **Q.** **My question is, you had Ms. Klimak, Ms. Taylor,**
3 **and Mr. Johnson saying this is true, and you had**
4 **Mr. Johnson denying it. Is that all you had when**
5 **you determined that the allegation was**
6 **unsubstantiated?**

7 MR. SAMPLES: Object to the form.

8 THE DEPONENT: Well, no. I talked to Dexter Hooks, and
9 he said in certain situations, such as Ms.
10 Taylor's move downstairs, he thought it was a
11 legitimate business reason. He didn't think it
12 was retaliation, is my recollection.

13 EXAMINATION RESUMED

14 BY MR. MURPHY:

15 **Q.** **Well, allegation number 2 doesn't have anything**
16 **to do with Ms. Taylor being moved downstairs,**
17 **does it?**

18 A. No, but I thought you were talking about the
19 three of them and whether they were retaliated
20 against, so that's why I responded that way.
21 My apologies if I misunderstood your intent.

22 **Q.** **With regard to allegation number 2, you had Ms.**
23 **Klimak, Ms. Taylor, and Mr. Johnson saying one**
24 **thing, and you had Mr. Riley saying something**
25 **different. Is there anything else on which you**

1 based your determination that the allegation was
2 unsubstantiated other than statements from those
3 four people?

4 A. And reviewing Rob Wells' investigation, that's
5 what I based it on.

6 Q. Anything else?

7 A. And my own personal investigation as well.

8 Q. Your own personal investigation was done over the
9 phone, correct?

10 A. Yes, sir. That's correct.

11 Q. You didn't observe anything with regard to any of
12 these allegations, did you?

13 A. I spoke to the people, but no, I did not observe
14 anything. I was not there.

15 Q. So the only thing you relied on was Mr. Riley's
16 denial and whatever Rob Wells' investigation
17 showed?

18 A. In my experience as an investigator, sir, I
19 looked at the information in Rob Wells'
20 investigation, as well as my own investigation,
21 and I reached that decision.

22 Q. I'm not asking you that question.

23 I'm asking you, in stating that allegation number
24 2 is unsubstantiated, did you rely on anything
25 other than statements from Mr. Riley and what you

1 read from the Rob Wells investigation?

2 MR. SAMPLES: Object to the form.

3 THE DEPONENT: Nothing beyond what I have already said,
4 sir. This matter was -- as it relates to
5 retaliation against Mr. Johnson, Mr. Wells had
6 done a thorough and complete investigation. I
7 reviewed it, and I didn't see anything that would
8 cause me to change his outcome.

EXAMINATION RESUMED

10 BY MR. MURPHY:

11 Q. But the only thing you relied on in determining
12 Mr. Wells did a thorough investigation was Mr.
13 Wells' investigation notes?

14 A. Well, and I also did interviews with Ms. Taylor
15 and Ms. Klimak as well, sir. They brought up
16 issues that Mr. Wells' investigation was
17 compromised and things of that nature.

18 So again, I relied on Mr. Wells' investigation
19 and my own investigation as well.

20 Q. What did you base your determination that
21 allegation number 3 was unsubstantiated? What
22 was that based on?

23 A. Give me one moment to read that allegation, sir,
24 please.

25 o. of course.

1 A. In speaking to Mr. Wells and reading his
2 interview notes, I didn't see where he
3 compromised the investigation by providing any
4 information that should not have been disclosed
5 to management, HR, or anyone else.

6 Q. **So since Mr. Wells did not document that he
7 compromised the investigation, you determined
8 that he did not do so?**

9 MR. SAMPLES: Object to the form.

10 EXAMINATION RESUMED

11 BY MR. MURPHY:

12 Q. **Is that correct?**

13 A. No. No, sir. I reviewed his investigation and
14 reached my own conclusion.

15 Q. **Did you interview the people out there to find
16 out whether the investigation had been
17 compromised?**

18 A. I spoke to Mr. Wells, and I read his interview
19 notes, and I spoke to some of the same people
20 that he spoke to. I didn't see where it was
21 compromised, sir.

22 Q. **What employees, actually in Afghanistan, did you
23 ask whether or not the investigation had been
24 compromised?**

25 A. I read his interview notes, and I read what Mr.

1 Johnson said. I'm -- and that's all I can tell
2 you, sir.

3 Q. Did you ask anybody that actually worked in
4 Afghanistan any questions to determine whether or
5 not Mr. Wells' investigation had been
6 compromised?

7 A. All I can say, sir, is I asked some questions. I
8 asked questions of the people that were in my
9 case, some of them were in his case, and Mr.
10 Wells told me what he said. I read what he
11 wrote, and that's all I can say about that. I
12 don't have -- I cannot recall where one specific
13 person also said that it was a compromised
14 investigation.

15 Q. Okay. I didn't ask you what you read, and I
16 didn't ask you what Mr. Wells said.

17 I'm asking you, did you ask anybody who worked in
18 Afghanistan any questions to determine whether or
19 not Mr. Wells' investigation was compromised?

20 MR. SAMPLES: Object to the form.

21 THE DEPONENT: It's unclear to me who should have been
22 asked, sir.

23 EXAMINATION RESUMED

24 BY MR. MURPHY:

25 Q. I'm not asking you who should have been asked.

1 I'm asking you a very simple fact question, Mr.
2 Smith. Did you, Mr. Smith, ask any employee who
3 actually worked at Bagram in Afghanistan any
4 questions to determine whether or not the
5 investigation into Mr. Johnson's complaints was
6 compromised?

7 MR. SAMPLES: Object to the form.

8 THE DEPONENT: I can't recall anybody off the top of my
9 mind, sir, but I haven't seen anything -- let me
10 just leave it -- to answer your question, I
11 cannot recall off the top of my mind, but, again,
12 I don't think this was relevant to Tara Taylor's
13 complaint.

EXAMINATION RESUMED

15 BY MR. MURPHY:

16 Q. Let's go to allegation number 6 on page 3555, and
17 read that allegation in your conclusion for a
18 moment if you would for a moment, please.

19 A. Sure. Mr. Riley has been playing --

20 Q. You don't need to read it out loud. I'm just
21 asking you to read it before I ask questions.

22 A. Oh, okay. Okay, I have read it, sir.

23 Q. Okay. Who did you ask about this allegation
24 about Mr. Riley being on his phone and on the
25 Internet during business hours?

1 A. I believe I asked Ms. Klimak. I believe I asked
2 Mr. Riley as well.

3 Q. **And Ms. Klimak and Mr. Riley told you different**
4 **things?**

5 A. My understanding, in talking to both of them, was
6 that they did play -- I think Mr. Riley said they
7 swapped hard drives or some kind of computer
8 device, and they did play after hours.

9 Q. **Ms. Klimak's allegation was not that Mr. Riley**
10 **was playing games after hours, was it?**

11 A. She did -- she mentioned to me that he was
12 playing games.

13 Q. **But during business hours?**

14 A. It may have been, sir. I don't recall off the
15 top of my head.

16 Q. **Read the first line of allegation number 6.**

17 A. Uh-huh.

18 Q. **Who told you that Mr. Riley was playing on his**
19 **phone and the Internet during business hours?**

20 A. That came from one of the cases. I think it was
21 Ms. Klimak.

22 Q. **Okay. So Ms. Klimak told you one thing, and Mr.**
23 **Riley told you something different; is that**
24 **correct?**

25 A. That's my understanding.

1 Q. **And you chose to believe Mr. Riley?**

2 A. Yes.

3 Q. **Did you ask any other employees about whether the
4 allegation was true before you decided to believe
5 Mr. Riley over Ms. Klimak?**

6 A. To me, sir, whether they played the game or not
7 wasn't critical to the issue of retaliation that
8 was raised. I listened to them both, and I made
9 a judgment call.

10 Q. **And that was --**

11 A. The Internet and playing games did happen.

12 Q. **That wasn't my question, Mr. Smith.**

13 **My question was, did you ask any other employees
14 about allegation number 6 before you made the
15 decision to believe Mr. Riley over Ms. Klimak?**

16 A. I don't recall that I did, sir, but as I said,
17 off the top of my head, I don't recall. There
18 may be something in my notes. I just don't
19 recall it off the top of my head.

20 Q. **Allegation number 7, take a moment to review
21 that, please.**

22 A. Yes, I read it, sir.

23 Q. **Okay. Who made the allegation Mr. Riley has
24 become stricter and singled out Ms. Klimak?**

25 A. I believe it is Ms. Klimak.

1 Q. **Anybody else make that allegation?**

2 A. I don't recall off the top of my head, but,
3 again, I do want to reiterate, sir, this is not
4 the final findings for either one of these cases.
5 It's just an interim document to organize
6 information.

7 Q. **But it's the only version of this document we
8 have, correct?**

9 A. It's not the final version of the finding, sir.
10 To answer your question, yes, that's the only
11 version of this document, but I reached the final
12 findings in the respective hotline cases.

13 Q. **Let's go to the second line of the response
14 there. You state, He has also let those in
15 theater know the same. Do you see that?**

16 A. Yes.

17 Q. **And he is a reference to Mr. Riley?**

18 A. Yes.

19 Q. **Who, in the theater, did Mr. Riley inform about
20 enforcing work-related rules regarding personal
21 electronics?**

22 A. I believe I spoke to -- I don't want to throw out
23 a name without there being documentation, but I
24 also want to say, sir, this wasn't meant to be
25 the end-all and be-all for each of these

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1 questions. It's just initial thoughts, and the
2 investigation was not completed at this point, so
3 --

4 **Q. Again, sir, focus on my question, please.**

5 **Who did Mr. Riley let know in theater anything**
6 **about enforcing work rules regarding personal**
7 **electronics?**

8 A. My understanding is that he made it known to
9 possibly Ms. Riley (phonetic), since they're in
10 the office that had the client and the government
11 there, it needed to be a professional
12 environment, so that's why the TV wasn't supposed
13 to be on and things of that nature.

14 **Q. Is the reference to the theatre limited solely to**
15 **Bagram?**

16 A. No, sir.

17 **Q. Okay. Well, who, outside of Bagram, did Mr.**
18 **Riley speak to about enforcing work rules related**
19 **to personal electronics?**

20 A. I can't -- I do not know who he spoke to.

21 **Q. Did anyone other than Mr. Riley tell you that?**

22 A. I can't recall that anybody else did or did not.

23 **Q. Let's go to number 8.**

24 A. Okay. I'm ready.

25 **Q. Okay. This allegation is that Mr. Riley would**

1 **retaliate in the future. Do you see that?**

2 A. I do.

3 Q. **And that's an allegation coming from Ms. Taylor?**

4 A. Yes.

5 Q. **And in August of 2014, you said that was**
6 **unsubstantiated, correct?**

7 A. Yes. She -- I think she -- there was no loss in
8 job or title -- in pay or job title.

9 Q. **As of the time you wrote this, did you know that**
10 **Ron Riley had requested paperwork to demobilize**
11 **Tara Taylor?**

12 A. I don't recall that I did.

13 Q. **Would you agree that demobilizing Tara Taylor was**
14 **a loss of a job?**

15 A. It is a loss of a job.

16 Q. **But in August of 2014, you learned that Mr. Riley**
17 **had requested paperwork to demobilize Tara**
18 **Taylor, correct?**

19 A. It was towards the end of the hotline case. I
20 don't recall the exact date, sir. I did learn
21 that.

22 Q. **And after learning that, you never went back and**
23 **changed your finding from unsubstantiated to**
24 **substantiated, did you?**

25 A. Well, I never changed this document, sir, because

1 it was never intended to be the final repository
2 of my findings.

3 **Q. Did you ever make a finding that Mr. Riley**
4 **retaliated against Tara Taylor?**

5 A. I don't believe he did, sir.

6 **Q. My question was, did you ever make a finding that**
7 **he retaliated?**

8 A. Ms. Taylor and Ms. Klimak each had specific
9 issues or allegations, and I responded to those,
10 and I would say it was unsubstantiated, and there
11 was no merit to the allegation, but no, I don't
12 believe that he did retaliate, and if that's
13 unclear, then that's an error on my part at the
14 office, but I do not believe he retaliated
15 against them.

16 **Q. Even after you learned that he had requested**
17 **paperwork to demobilize her without talking to**
18 **you about it?**

19 A. He had a legitimate business reason for the
20 actions that he articulated to me for the reason
21 why Ms. Taylor was being separated.

22 **Q. Mr. Smith, the truth is you never investigated**
23 **Ron Riley's reasons for seeking to demobilize**
24 **Tara Taylor --**

25 MR. SAMPLES: Object to the form.

1

EXAMINATION RESUMED

2 BY MR. MURPHY:

3 Q. -- did you?

4 A. I did, sir.

5 Q. What did you do to investigate that other than
6 talk to Ron Riley?

7 A. I spoke to Ms. Taylor. I looked at the reasons
8 why she was being let go. I kept in mind that
9 the project, in particular, Prime Contracts, was
10 downsizing. There was not a need for a
11 supervisor. Mr. Riley articulated that there
12 would be a limited number of managers, general
13 contract managers. She did not -- she, being Ms.
14 Taylor, did not have the requisite experience or
15 background in his opinion, based on what he had
16 seen. Based on that, her remaining duties, such
17 as they were, would be partitioned between the
18 manager and the existing specialist, and she was
19 separated from the project. Notably, she found
20 another job with Fluor Federal Solutions, I
21 believe, and is employed.

22 Q. I didn't ask you about that.

23 A. Well, I was just trying to respond. That's all.

24 Q. Okay. You never spoke to Tara Taylor about her
25 demobilization, did you?

1 A. We spoke about the role she was in.

2 Q. No, sir. I'm asking you, you said Ron Riley
3 sought to demobilize Tara Taylor, and you
4 investigated his reasons for doing that.

5 Is that your testimony?

6 A. Yes. I did speak to him about it.

7 Q. Okay. Did you do anything to investigate Ron
8 Riley's reasons for demobilizing Tara Taylor
9 other than speak to Ron Riley?

10 MR. SAMPLES: Object to the form.

11 THE DEPONENT: Well, I looked at the SRF that came in.

12 EXAMINATION RESUMED

13 BY MR. MURPHY:

14 Q. Anything else?

15 A. And, again, in speaking to -- with the project
16 coming down and the loss of jobs, I looked into
17 that, and that's the reason I got for the need to
18 make the decision to separate her.

19 Q. No, Mr. Smith, I'm not asking you whether you
20 looked into it. I'm asking you what you did to
21 look into it. Did you do anything to investigate
22 Ron Riley's reasons for separating Tara Taylor
23 other than speak to Mr. Riley and look at an SRF
24 form?

25 MR. SAMPLES: Object to the form.

1 THE DEONENT: I'm not trying to be combative, sir.

2 That's all I can say on that.

EXAMINATION RESUMED

4 BY MR. MURPHY:

5 Q. Okay. So the only thing you recall doing to
6 investigate Ron Riley's reasons for separating
7 Tara Taylor was to speak to Mr. Riley and to look
8 at the SRF form; is that correct?

9 MR. SAMPLES: Object to the form.

10 THE DEPONENT: As best I can right now, my
11 recollection, that's what I have, sir.

12 EXAMINATION RESUMED

13 BY MR. MURPHY:

14 Q. You made a statement that Prime Contracts was
15 downsizing.

16 Can you identify for me any employee that was
17 demobilized from Prime Contracts in 2014 prior to
18 Tara Taylor?

19 A. I can't recall if anybody was or was not. It was
20 a small department. To answer your question, I
21 can't, sir, identify anybody.

22 Q. And isn't it true that, in Bagram, the number of
23 staff in Prime Contracts grew in 2014?

24 A. I would have no knowledge of that, sir.

25 Q. Let's go to allegation number 9 on page 3555 of

1 **the Tara Taylor allegations document.**

2 A. Okay.

3 Q. **And you document that Ms. Taylor was complaining**
4 **about Mr. Whitcomb's failure to hold direct**
5 **reports accountable, correct?**

6 A. Yes. That's one of the things that was in my
7 mind.

8 Q. **And you found that to be unsubstantiated?**

9 A. I found -- sir, this is an incomplete document.
10 It doesn't have all of my thoughts on there at
11 the time.

12 Q. **Let me ask --**

13 A. I would --

14 Q. **Did you ever find that allegation to be**
15 **substantiated?**

16 A. I didn't find where Mr. Whitcomb did anything
17 wrong.

18 Q. **You wrote down, the reporter. That's a reference**
19 **to Ms. Taylor?**

20 A. It could have been, sir. Like I said, it's a
21 working document. Not all the information is in
22 there. I just can't say with any certainty.

23 Q. **Did you ever document asking Ms. Taylor who she**
24 **believes was treated differently and on what**
25 **basis?**

1 A. Her primary concern was against Mr. Riley, and
2 that's what I -- because he allegedly retaliated
3 against her, and that's what my focus was on.

4 Q. I would like you to focus right now on my
5 question because my question wasn't that.

6 My question is, did you document --

7 A. I.

8 Q. -- ever asking Ms. Taylor who she believes was
9 treated differently and on what basis?

10 MR. SAMPLES: Willard, y'all are starting to talk over
11 each other. Let Brian finish his question --

12 THE DEPONENT: That's not my intent.

13 MR. SAMPLES: Let Brian finish his question, and you
14 can answer. Take your time. I think the record
15 is getting muddled. You're also not giving me
16 time to object.

17 THE DEPONENT: Okay.

18 EXAMINATION RESUMED

19 BY MR. MURPHY:

20 Q. I'll start it over.

21 Mr. Smith, did you document asking Ms. Taylor who
22 she believes was treated differently and on what
23 basis?

24 A. I think there was an incident -- I believe there
25 was an incident where an employee -- his name

1 escapes me right now -- said something or an
2 article of clothing that was offensive, and there
3 was an issue as to whether he received the
4 appropriate corrective action. I think his name
5 was -- I don't want to say. His name escapes me,
6 sir, but there was one incident where somebody
7 said something to Calvin Johnson that he found
8 was offensive, and there was an allegation that
9 maybe he didn't receive the appropriate
10 corrective action, when, in fact, he did receive
11 it. I just don't recall the name.

12 **Q.** Do you recall anything else that you might have
13 done to document asking Ms. Taylor who she
14 believes was treated differently and on what
15 basis?

16 A. I don't recall anything at this particular
17 moment.

18 **Q.** Let's go to number 10. Review that, please.

19 A. Okay. I'm ready.

20 **Q.** You make the statement, in the response, you
21 state, Unsubstantiated. The statement was not
22 corroborated by Mr. Gentry.

23 **Do you see that?**

24 A. Yes.

25 **Q.** Do you have any documentation of asking Mr.

1 **Gentry about this issue?**

2 A. Give me one moment, please, while I review one of
3 the attachments that I received.

4 I don't have anything in front of me, sir, about
5 that.

6 Q. **Let's go to allegation number 11, which is on**
7 **pages 3555 through 3556.**

8 A. Okay. I'm there. I'm reading it. Okay.

9 Q. **Do you see you marked that unsubstantiated?**

10 A. Yes.

11 Q. **Do you have any documentation that you even**
12 **investigated this issue?**

13 A. I do.

14 Q. **Where is that?**

15 A. My August 19th notes of Ron Riley.

16 Q. **Anywhere else?**

17 A. Nothing that I see right now, sir.

18 Q. **Okay. So would that indicate to you that the**
19 **document that we have marked as Exhibit 35 --**
20 **well, that's stamped 3554 through 3556, that**
21 **we've marked as Exhibit 27, was created on or**
22 **after August 19, 2014?**

23 A. I -- my apologies. I was shuffling through
24 papers. Could you say that one more time?

25 Q. **The fact that you documented investigating the**

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1 issue in paragraph number 11 on August 19, 2014,
2 does that indicate to you that this document that
3 we've marked as Exhibit 27, which is 3554 through
4 3556, was created on or after August 19?

5 MR. SAMPLES: Object to the form.

6 THE DEPONENT: I believe this document was created in
7 July of 2014. It was created before then.

EXAMINATION RESUMED

9 BY MR. MURPHY:

10 Q. But it was modified on or after August 19,
11 correct?

12 A. I can't -- I can't say.

13 Q. And what notes of your August 19 investigation
14 show that you addressed the issue in paragraph
15 11?

16 A. It's on the second page, first paragraph and two
17 sentences.

18 Q. What's the Bates stamp?

19 A. There is no Bates stamp for this. This interview
20 that I see, I didn't write anything down.

21 Q. And this is your interview with Mr. Riley?

22 A. Yes, sir, on August 19th of 2014.

23 Q. Any other documentation of investigating the
24 issue in paragraph 11 other than in your August
25 19 interview notes with Mr. Riley?

1 A. I do not recall any.

2 Q. **Did you base your determination that the
3 allegation in paragraph 11 was unsubstantiated
4 other than from your conversation with Mr. Riley?**

5 A. Sir, I didn't make any determination in this
6 document. Like I said, it was more my thoughts
7 about different things that were brought up.

8 Q. **When you wrote down that the allegation in
9 paragraph 11 was unsubstantiated, were you
10 relying on anything other than a statement from
11 Mr. Riley himself?**

12 A. I could not say off the top of my head. Again,
13 it's an incomplete thought. I don't have
14 anything in this document to be considered a
15 complete and final analysis of whether it did or
16 not occur in my mind in terms of a final
17 conclusion. All conclusions for these cases were
18 captured in the Ethics Point for the relevant
19 allegations.

20 Q. **Did Mr. Riley receive a dignity-and-respect
21 complaint from Robert Page?**

22 A. I believe there was.

23 Q. **Did you read it?**

24 A. I'm familiar with it. I'm trying to recall did I
25 read -- if I read it or not. I just can't say,

1 sir. This is four or five years ago.

2 **Q.** **What was Mr. Page's complaint?**

3 A. It was an issue about, I think, work and whose
4 responsibility it was, if I recall correctly,
5 but, again, this is off recollection and having
6 not reviewed it.

7 **Q.** **When you wrote, Unsubstantiated, on document**
8 **3556, were you relying on anything other than**
9 **what Mr. Riley told you on August 19?**

10 A. I can't say, sir. As I mentioned, it's an
11 incomplete document, nor was it intended to have
12 everything on there or serve the basis for my
13 findings.

14 **Q.** **Let's go to paragraph 13.**

15 A. Okay. Okay. I'm ready, sir.

16 **Q.** **Did you actually investigate that allegation?**
17 A. I did inquire about it, but it wasn't to Ms.
18 Taylor's and Klimak's allegation.

19 **Q.** **To whom did you make an inquiry?**

20 A. To Mr. Riley.

21 **Q.** **Anyone else?**

22 A. Possibly to Dexter Hooks, but I would need to go
23 back and look at my notes.

24 **Q.** **Sitting here today, can you tell us anything that**
25 **you relied on when you typed down,**

1 **Unsubstantiated, other than a statement from Mr.**

2 **Riley?**

3 A. I can't tell you much about this, sir, this
4 particular one, as I sit right here today. As I
5 mentioned, possibly Dexter Hooks I asked about
6 this. I did ask Mr. Riley, but, again, it's an
7 incomplete statement. There is nothing there to
8 go on -- go off of this.

9 Q. **What do you mean by that?**

10 A. It means it was never intended to be a final
11 repository of my findings. Again, all the things
12 that I thought were relevant that Ms. Taylor
13 raised, I put those in the Ethics Point case.
14 Ms. Weber had absolutely nothing to do with the
15 retaliation aspect again, retaliation allegation
16 that Ms. Taylor has raised.

17 Q. **But you didn't write down, Did not investigate.**

18 **You wrote down, Unsubstantiated, right?**

19 A. It was a placeholder, sir. If you see, there is
20 a subarticle. It's just something to have there.
21 Again, I spoke to definitely Mr. Riley,
22 potentially Mr. Hooks, and I hadn't gone any
23 further. It wasn't relevant to Ms. Taylor's
24 allegations.

25 Q. **But you don't write down, Not relevant. You**

1 **wrote down, Unsubstantiated, correct?**

2 A. I didn't think I needed to, sir. This was just
3 my internal thoughts in organizing the
4 information. This was solely for my benefit to
5 organize information.

6 Q. **Let's go to number 14.**

7 A. Okay.

8 Q. **Now, this one, you gave a good bit of commentary**
9 **on, didn't you?**

10 A. Yes. I can't say if it's full or not.

11 Q. **Well, let's go to the -- you wrote down, once**
12 **again, Unsubstantiated, again, correct?**

13 A. Uh-huh.

14 Q. **You have to say yes or no for the record, please.**

15 A. Oh, I -- yes, yes.

16 Q. **You state, The employees that were interviewed**
17 **did not indicate that they were unprotected and**
18 **did not have anyone they could speak with about**
19 **their concerns.**

20 **Do you see that statement?**

21 A. I do.

22 Q. **What employee was interviewed by you that was**
23 **ever asked that question?**

24 A. So I would say that I -- this was just -- I would
25 say that I -- as I recall, I don't think -- I

1 don't recall that Tara and Nikoletta said that
2 Mr. Whitcomb wasn't protecting them. I don't
3 recall that any of the employees I interviewed
4 mentioned that he was a problem and they had
5 nowhere to turn to if there are complaints
6 against him.

7 Q. I'm going to ask it another way since you won't
8 answer that question.

9 Did you ask any employee whether they felt
10 unprotected and did not have anyone they could
11 speak to about their concerns?

12 MR. SAMPLES: Object to the form.

EXAMINATION RESUMED

14 BY MR. MURPHY:

15 Q. Did you ask anybody that question?

16 A. I don't recall if I asked if there was nowhere
17 they could turn to. We have a very robust system
18 to report complaints, whether through the
19 open-door policy or the ethics hotline. In fact,
20 employees will make complaints as they see fit,
21 but off the top of my head, I can't think of
22 anybody that said that Mr. -- or that I asked
23 about Mr. Whitcomb and what's mentioned in item
24 14. Again, what's contained in the hotline case
25 are the relevant points of Ms. Tara's allegations

1 of retaliation, which had nothing to do with Mr.
2 Whitcomb.

3 **Q.** **Well, that's not true. Tara Taylor complained**
4 **about Mr. Whitcomb and whether he held direct**
5 **reports accountable, didn't she?**

6 **A.** There was a complaint about -- that was about the
7 one employee. I don't recall if she said that or
8 not, but certainly, Mr. Whitcomb has held
9 employees accountable.

10 **Q.** **Yeah, and you know that wasn't my question.**
11 **My question was, didn't Ms. Taylor complain about**
12 **Mr. Whitcomb failing to hold direct reports**
13 **accountable as part of her Ethics Point**
14 **complaint?**

15 **A.** She may have.

16 **Q.** **Look at your number 9 on page 3555. We just**
17 **talked about it. You documented that her**
18 **complaint was Mr. Whitcomb's failure to hold his**
19 **direct reports accountable for their actions.**
20 **Do you see that?**

21 **A.** Again, I don't have -- again, these are not full
22 notes, sir. What was relevant to Ms. Taylor, I
23 addressed in ethics hotline case. What I have in
24 terms of my investigatory notes, sir, are
25 contained in the case, sir.

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1 Q. I'm going to try to break this down for you, Mr.
2 Smith, and I would appreciate responses to my
3 actual questions.

4 A. I'm trying to respond, sir.

5 Q. **You understood that Ms. Taylor was complaining**
6 **about Mr. Whitcomb's failure to hold direct**
7 **reports accountable, correct?**

8 A. She may have raised that issue. I just don't
9 recall, sir.

10 Q. **You say she may have raised that issue, but you**
11 **document it in number 9 on page 3555.**

12 Is there any doubt in your mind that Ms. Taylor
13 complained about Mr. Whitcomb's failure to hold
14 his direct reports accountable?

15 A. She may have. She may have mentioned it in
16 passing, sir. I'm just trying to recall as best
17 I can through the notes. I'm not saying she
18 didn't. I'm just trying to recall and give an
19 honest answer.

20 Q. **Would you agree with me that you never**
21 **investigated that issue?**

22 A. I did look into the issue as it relates to the
23 employee that I mentioned that I could not name
24 that supposedly said something that was
25 inappropriate towards Mr. Johnson, and I saw that

1 Mr. Whitcomb -- that employee suffered some
2 corrective action as a result. I believe it was
3 a loss of pay.

4 **Q. So you don't recall if an allegation is made, but**
5 **you recall investigating the allegation. Is that**
6 **your testimony?**

7 A. I can recall reading Mr. Wells' investigation,
8 and that was an issue that was brought up. I'm
9 -- I have no -- I just can't recall for sure, and
10 I'm trying to think of the notes. If it's in
11 here -- like I said, I don't have all the
12 information because this document wasn't intended
13 to have all the information.

14 **Q. Did you ask any employee at Fluor whether they**
15 **felt that they did not have any protection and**
16 **that they didn't have anywhere to turn with their**
17 **issues?**

18 A. I have it there that I did. I just don't recall
19 who did it. That's --

20 **Q. Well, Ms. Taylor -- go ahead. Are you done with**
21 **your answer?**

22 A. No, sir, I wasn't. I was just wanting to make
23 sure that you had your opportunity.

24 **Q. No, finish your answer.**

25 A. Okay. It's there. I just don't recall off the

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1 top of my -- who I spoke to about that or what
2 was said.

3 Q. Well, you agree that Ms. Taylor complained that
4 she didn't have any protection and she didn't
5 have anybody to turn to, correct?

6 A. I think she turned to the hotline complaint, but
7 I --

8 Q. I didn't ask you where she turned. We're going
9 to take a five-minute break.

10 (Recess taken.)

11 MR. SAMPLES: Read back the last question.

12 (The question was read back by the reporter
13 as follows:

14 Q. Well, you agree that Ms. Taylor complained that
15 she didn't have any protection and she didn't
16 have anybody to turn to, correct?)

17 EXAMINATION RESUMED

18 BY MR. MURPHY:

19 Q. Your answer, sir?

20 A. It was a little muffled. Could she repeat it one
21 more time?

22 (The question was read back by the reporter
23 as follows:

24 Q. Well, you agree that Ms. Taylor complained that
25 she didn't have any protection and she didn't

1 **have anybody to turn to, correct?)**

2 THE DEONENT: Yes, that's correct.

3 EXAMINATION RESUMED

4 BY MR. MURPHY:

5 Q. **Would you agree that Ms. Klimak had the same**
6 **complaint?**

7 A. Let me look at my -- her case --

8 Q. **Sure.**

9 A. -- please.

10 I don't have anything in front of me, but I know
11 she was concerned about what happened to Kelvin.
12 I just don't have any notes there. It would not
13 surprise me if she didn't raise the issue of Mr.
14 Whitcomb and what was just said by the court
15 reporter.

16 Q. **And Mr. Hooks, who was then manager of the**
17 **department, told you that, in fact, Ms. Taylor**
18 **and Ms. Klimak were being retaliated against?**

19 A. I believe he felt that was true.

20 Q. **So you have Ms. Taylor saying she didn't feel she**
21 **had protection, Ms. Klimak made a similar**
22 **complaint, and their manager told you that they**
23 **were being retaliated against.**

24 Why did you write down, Unsubstantiated, as to
25 allegation 14?

1 MR. SAMPLES: Object to the form.

2 THE DEPONENT: As I said, this is just a matter of
3 organizing my thoughts. The investigation wasn't
4 completed at the time. I don't -- in speaking
5 with Mr. Riley and looking at the facts as they
6 were presented, I couldn't find that it was
7 retaliation. He articulated a legitimate
8 business reason for his actions. His reasoning
9 and rationale is not always, as best I can tell,
10 explained to his team, but what he was able to
11 articulate to me did not demonstrate retaliation.

EXAMINATION RESUMED

13 BY MR. MURPHY:

14 Q. Did you ever speak to Mr. Johnson about whether
15 employees felt they had protection if they
16 complained?

17 A. I did not. I don't recall speaking to him.

18 MR. MURPHY: I don't have anything further.

19 MR. SAMPLES: Let's take a few minutes, and then,
20 Willard. I think we're almost done.

21 (Recess taken.)

22 EXAMINATION

23 BY MR. SAMPLES:

24 Q. Mr. Smith, I just have a few questions, going
25 back to the first exhibits we looked at today,